STVDIA ISLAMICA

COLLEGERVNT

R. BRVNSCHVIG G. E. von GRVNEBAVM

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G.-P. MAISONNEUVE-LAROSE
PARIS
MCMLXXI

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THE EPICUREAN ETHIC OF MUḤAMMAD IBN ZAKARIYÂ' AR-RÂZÎ

The expectation of Râzî's contemporaries, in response to his claim to have taken up philosophy as a way of life (1), was that he would be a "follower" of *the* philosophers, that they would be his "leaders"(2) in the sense that his life would be modelled upon their ways;(3) *i.e.* that Socrates somehow would be his "*imâm.*" (4) The notion with which he was obliged to grapple saw philosophy like all other "ways of life" as adherence to a set of practical and theoretical principles instituted by some great moral and intellectual authority. (5) From this point of view there appeared to be little scope for intellectual originality, (6) still less prospect of any positive achievement emerging from that spirit of radical restlessness which is the moving principle not only of philosophy but also of science.

It is not necessary to refer to Râzî's explicit rejections of this conservative presumption (7) to gauge the depth of the chasm on this issue between him and his more hidebound contemporaries. For the medical writings themselves, to

(1) Witness the title of his "apologia pro vita sua," as Arberry calls it: *Kitâb as-Strati-l-Falsafiyya*, "The Philosophical Life."

(2) Cf. *Munâẓarât*, ed. Kraus, pp. 298-301.

(3) *Stratu-l-Falsafiyya*, ed. Kraus, p. 99.

(4) *Loc. cit.*, with *Munâẓarât*, pp. 298-300.

(5) *Munâẓarât*, pp. 297-301.

(6) Cf. *Munâẓarât*, *passim* and my discussion of "Philosophical Originality in the Thought of Muḥammad Ibn Zakariyâ' ar-Râzî", Proc. M.E.S.A., Columbus, 1970.

(7) *Munâẓarât*, p. 301.

which he devoted the greatest portion of his life's work, (1) are replete with his efforts not merely to expand but also to transcend the tradition, and the same spirit dominates his philosophy: (2) Among the claimants to the title of philosopher in the Islamic world none is less prone than Râzî to see his role as that of follower, commentator, heir to a "treasure house of truth," none more eager than he actively to engage with the live issues of philosophy and dynamically to seek their resolution. In no sphere of his philosophical endeavor was Râzî's spirit of independence more clearly manifested than in his ethics. For both in principle and in practice (which Râzî avers to have modelled not upon the example of "*the* philosophers" but upon the pattern of his theory) (3) Râzî was an Epicurean.

'Philosopher', to Râzî's fellow citizens in the Persian city of Rayy, meant first and foremost heir to the teachings of Plato and the Socratic way of life. For Râzî himself, despite his respect for the thinking of Plato and the person of Socrates, the title of philosopher belonged first and foremost to those who exercised independently in the search for truth, (4) and above all to those whose engagement in this enterprise yielded intellectually adequate results. In general, then, philosophy was anything but a closed book, certainly not an exclusively Academic or Peripatetic one. Specifically in ethics Râzî found these "standard" views inadequate both for practice and for theory and he turned to unmistakably Epicurean alternatives for the resolution not only of almost every practical moral question which his philosophy confronts, but also (and no less importantly) for the very ethical standard from which, as he claims (5), all of his specific moral teachings can be deduced.

Consider first the standard. Râzî unequivocally rejects the extreme ascetic standard which the person of Socrates

(1) *Stratu-l-Falsafiyya*, p. 110; cf. *Kitâb ash-Shukûk 'alà Jâlînûs*, and the discussion of S. Pines: "Razi Critique de Galien," *Actes du Septième Congrès International d'Histoire des Sciences*, Jerusalem, 1953, pp. 480-487.

(2) See *Munâẓarât*, *loc. cit.*

(3) *Ṭibb ar-Rûḥânî*, ed. Kraus, p. 33, tr. Arberry, p. 35.

(4) *Munâẓarât*, p. 302.

(5) *Ṭibb ar-Rûḥânî*, ed. Kraus, p. 33, tr. Arberry, p. 35.

(in the distorted Cynic image) had come to represent. Râzî had not the historical materials available to him that would have allowed him to prove that it was the Cynic Diogenes, not Socrates, who lived in a tub, but he does know (1) that contrary to the Cynic Apocrypha, Socrates went to war, begat children, attended the theater, (He is said to have been present at the first performance of the *Clouds*, but this Râzî does not know.), ate well and drank (sparingly, Râzî says; and the *Symposium* shows that this *in a sense* was true), so he confines the Cynic legend to the early phase of Socrates' career when the "youthful zeal" for philosophy was strongest (2) and the youthful passions most in need of a damper. (3) Of the divergent moral standards followed in the two phases of Socrates' career, the *second* is in Râzî's view decidedly superior, (4) for it is the mature and moderate position, while the youthful practice was immoderate and based on infatuation with novelty. (5)

Râzî's frequent appeals to moderation (6) may give rise to an impression that his ethical standard is Aristotelian. Such an interpretation would be a gross error, based upon a crude under-interpretation of Peripatetic ethics: As Aristotle's critics never tire of forgetting, Aristotelian moderation exists only within the framework of appropriateness determined by "right rule" as guided by "practical wisdom." Thus there is nothing definitively quantitative about the Aristotelian mean, and there is no way in which Aristotle's ethics can be "de-meaned" to a mere pleasure-pain calculus. Such is far from being the case with Râzî's ethics. (7)

The restraint of desire, Râzî writes, is not only the noblest of the moral virtues, it is also the means of their acquisition. (8) No form of moral weakness need afflict those whose souls are

(1) *Sīratu-l-Falsafiyya*, p. 99, ll. 14ff.
(2) *Sīratu-l-Falsafiyya*, p. 100, l. 1.
(3) *Sīratu-l-Falsafiyya*, p. 100, ll. 1-7 with *Ṭibb ar-Rûḥânī*, ed. Kraus, pp. 21, l. 13-22, l. 16, tr. Arberry, pp. 23-24.
(4) *Sīratu-l-Falsafiyya*, p. 100, ll. 15 ff.
(5) *Sīratu-l-Falsafiyya*, p. 100, ll. 1, 7.
(6) *Sīratu-l-Falsafiyya*, p. 100, tr. Arberry, p. 704; *Ṭibb ar-Rûḥânī*, II; etc.
(7) Cf. *Sīratu-l-Falsafiyya*, ed. Kraus, pp. 102-3, tr. Arberry, p. 706.
(8) *Ṭibb ar-Rûḥânī*, ed. Kraus, p. 21, ll. 9 ff., tr. Arberry, pp. 22 ff.

trained in self-control. (1) There is an appeal here, no doubt, to the integrity of the moral life; but it is a far cry from Socrates' insistent recognition of the inseparability of sophrosyne from other goods—justice, honesty, truthfulness, friendship, courage, wisdom... to the dilution of that recognition in the urbane and somewhat too knowing observation of Horace "*integer vitae scelerisque purus...*"; and even from this Râzî's moral standard is far removed. For his argument is not that moral integrity outweighs all other presumed advantages, still less that the virtues form an indivisible unity. Rather what he claims is that the restraint of passions on the whole is the safest and most profitable course, (2) a position which has no more bearing on the philosophy of Plato than Horace's *aurea mediocritas* has on that of Aristotle. Râzî's medical example of the case of the ophthalmic boy who needs to know that the short run pleasure he may enjoy by eating dates will be far outweighed by the long run suffering his uncontrolled appetite will cause him (3) is telling indeed in this regard, since he apparently regards this situation as paradigmatic of all cases of moral choice. (4) What we have here is not as may superficially appear an appeal to the Platonic "art of measurement." For Râzî asserts contrary to both Plato and Aristotle (5) that moral decisions can be made by a simple rule, by a simple weighing or calculation; (6) and the counters in this ethical arithmetic for Râzî as opposed to Plato, who insisted that all goods be included, are simply pleasures and pains. (7) All virtues involve the restraint of desire; all vices, its free play. (8) Thus ethics has been returned, by a long and circuitous route,

(1) *Loc. cit. et quod sequitur.*

(2) *Ṭibb ar-Rûḥânî*, ed. Kraus, pp. 21-2, tr. Arberry, pp. 23-4.

(3) *Ṭibb ar-Rûḥânî*, ed. Kraus, p. 22, tr. Arberry, p. 24.

(4) See his reintroduction of this example at *Ṭibb ar-Rûḥânî*, ed. Kraus, p. 82, tr. Arberry, p. 98, with his avowal that his whole substantive ethic can be deduced from the principles with which he starts out, *ibid.*, ed. Kraus, p. 33, tr. Arberry, p. 35.

(5) *Nicomachaean Ethics* I 3, 1094b 12 ff; cf. *Statesman* 924b.

(6) *Stratu-l-Falsafiyya*, ed. Kraus, p. 102, tr. Arberry, p. 706.

(7) *Ṭibb ar-Rûḥânî*, ed. Kraus, pp. 21-2, tr. Arberry, pp. 23-4.

(8) *Ṭibb ar-Rûḥânî*, ed. Kraus, pp. 33, 21-2, tr. Arberry, pp. 35, 22-3.

to the hedonic base which it had been Plato's purpose, and after him that of Aristotle to transcend. The Socratic "tendance of the soul" has become a "spiritual physic."

That Râzî's ethical standard (despite its anti-sensualism) is hedonic should be obvious on inspection, for he defines virtue in terms of moderation with respect to the objects of appetite and desire, (1) and assigns *all* vice to the excess of some desire. (2) Further the nerve of his ethical argumentation is prudential, hedonistic, or utilitarian—all three of which are merely different aspects of the hedonistic point of view, varying only as the subject under consideration is treated in terms of safety pleasure, or profit—the first and the last being definable in turn hedonically in terms of potential pain and potential pleasure. Thus, paradigmatically, in his ethical axioms Râzî urges us to seek long term pleasure and avoid short term pleasures which may cause long term pains. (3) And the substance of his specific ethical teaching is, as we shall observe, (4) little more than a series of applications of this rule to specific circumstances.

If, however, arguments are desired beyond what Râzî himself says, to demonstrate the dominance of the hedonic standard in his system, three come to mind : the first involving Râzî's treatment of pleasure; the second, his treatment of reason; and the third, his treatment of soteriology in the ethical context.

(1.) Râzî's analysis of pleasure (5) is aimed specifically at demonstrating the futility of making passion, desire or whim the arbiters of moral choice. But it does so *within* the confines of hedonic ethical assumptions. Thus Râzî analyzes pleasure as a restoration of the natural, the "state of rest," *i.e.* a restoration of normalcy by the removal of some pain or irritation or the repletion of some appetite, where appetite is treated on the

(1) *Stratu-l-Falsafiyya,* ed. Kraus, p. 99, tr. Arberry, p. 704.
(2) *Ṭibb ar-Rûḥânî,* ed. Kraus, pp. 21-2, tr. Arberry, pp. 22-3.
(3) *Ṭibb ar-Rûḥânî,* ed. Kraus, pp. 22-3, tr. Arberry, pp. 23-4.
(4) See *Ṭibb ar-Rûḥânî, passim* and the discussion below.
(5) See my discussion of "Râzî's analysis of pleasure." Forthcoming.

analogy of pain. (1) By this analysis, Râzî is enabled, in Platonic wise, to expose the futility of taking sensual gratification unqualified (2) as the ethical standard and to reveal the bootlessness of a life based on such a standard. For the futility of such an existence is already implicit in the logic of pleasure. But Râzî does not proceed to draw the Platonic conclusion, that the ultimate ethical standard must be sought beyond the realm of hedonic goals. Rather (in his ethical writings) he remains within the hedonic framework and is content to point out that it is senseless to seek satisfaction of appetites which can never be finally sated, gratification of desires which can never fully be assuaged. (3) The strictly *hedonic* practical conclusion is that to maximize pleasure one must be modest in one's desires, and this precisely is the conclusion which Râzî draws.

(2.) The high praise which Râzî offers reason (4) may cause it superficially to appear that a Platonic love of reason lies behind Râzî's hedonism, and this despite the fact that the tenor of his encomia has more in common with the spirit of Lucretius' *proemia* than with the Socratic distaste for such otiose fulsomeness. (5) Closer analysis of what it is for which reason is praised by Râzî reveals that there is little cause for concern that reason will displace pleasure as the anchoring principle of Râzî's ethics. For reason in the ethical context is viewed by Râzî less as a judgemental standard than as a form of restraint. Reason, moreover, as Râzî treats it in the ethical context, must *earn* its keep: it is a means to an end and anything but the end itself of Râzî's ethical hierarchy: Reason is praised for the advantages it brings, its many profits and benefits, its capacity to save us from harm, provide for our defense,

(1) *Ṭibb ar-Rûḥânî*, II with V, ed. Kraus, pp. 36-7, tr. Arberry, p. 39; cf., ed. Kraus, p. 70, tr. Arberry, pp. 75-6.

(2) *Ṭibb ar-Rûḥânî*, ed. Kraus, p. 73, tr. Arberry, p. 79. This consideration of course forms the basis of Râzî's rejection of the "experience-for-its-own-sake" variety of hedonism.

(3) *Ṭibb ar-Rûḥânî*, II.

(4) *Ṭibb ar-Rûḥânî*, I, ed. Kraus, pp. 17-19, tr. Arberry, pp. 20-1.

(5) With *Symposium*, 198-9, cf. *De Rerum Natura* III, 11, 1 ff.

and secure our supremacy over all creation. (1) Reason must *earn* the authority it holds over human life (contrast the attitude of the democratic Râzî (2) here with that of the aristocratic Plato, for whom reason held authority in the soul and in the state as its just and due desert). Râzî makes no bones about the fact that the standard by which the works of reason are judged is utilitarian (that is to say, hedonic), for he has little sympathy with the Platonic love of mathematics (the more abstract the better) and condemns mathematical studies as useless. (3) Aristotle's notion of a life purely devoted to speculation for its own sake is as alien to Râzî as the Aristotelian analysis of pleasure as a byproduct of the completion of an activity done for its own sake. Thus in Râzî's ethic there is a vice unknown to Plato's and Aristotle's, ethics and one which could not be conceived in an ethic where reason was the ultimate ethical arbiter: *i.e.* the excess of the rational soul, over-intellectualism, excessive concern with the things of the mind. (4) Note well that it is in terms of loss of health and contentment (hedonic standards) and Râzî's constantly applied prudential "futility" argument against all sorts of irrational desires that this excess is "diagnosed" and judged an ill. Note again that it is in terms of *this* "vice," obsession with, subservience to a dictatorial reason that Râzî judges Socrates' "earlier" career inferior to his "later" one. (5) And again it is in terms of this purely appetitive notion of the "love of wisdom" that Râzî interprets the differences between his own life and that of Socrates to be but differences of degree. In other words, desire for wisdom (Plato's *eros*) may be "treated" like any other appetite or passion. Passion is not bad in itself (not sinful, say), but only to the extent that it is detrimental to the attainment of our ends. (6) Reason is of value, not in itself, but because it sweetens life, provides us with seafaring,

(1) *Ṭibb ar-Rûḥânî*, 1.
(2) See my discussion of "Râzî's Democratic Ideas." Forthcoming.
(3) *Stratu-l-Falsafiyya*, ed. Kraus, p. 109, tr. Arberry, p. 711, etc.
(4) *Ṭibb ar-Rûḥânî*, ed. Kraus, pp. 29-30, 62-3, tr. Arberry, pp. 31, 67.
(5) *Stratu-l-Falsafiyya*, ed. Kraus, p. 100, tr. Arberry, p. 704.
(6) *Loc. cit.*

medicine, the sciences, and our knowledge of God—"our most profitable attainment." (1)

(3.) Râzî's soteriology is Platonic, (2) but the Persian philosopher takes almost as great pains to insulate his purely hedonic ethical standard from the Platonism of his soteriology as did the Greek to isolate his unconditioned ethical standard from any trace of hedonism that might accrue to it from his soteriology. In the *Republic*, it will be recalled, Plato casts his entire soteriological scheme in the form of a myth for (among other motives) the express purpose of preventing any possible dilution of the judgment of the lives of the just and unjust men by hedonic irrelevancies: The challenge of Plato's brothers, Glaucon and Adeimantus, was that the intrinsic advantage of justice over injustice be established without regard to external fortunes or the opinions of gods or men. (3) Râzî takes just the opposite tack: He seems to sense a dialectical advantage in keeping the matter of soteriology *out* of ethics— (4) this indeed, along with his medical orientation and perhaps as well a certain sensitivity to the limitations of his (royal) audience— (5) not to mention his own— (6) may in part explain his effort to preserve his hedonic standard undiluted by metaphysical, or for that matter political, epistemological, or any other considerations. *I.e.*: he writes as a (spiritual) doctor and is anxious to show that a sound ethical system can be (rigorously) derived from prudential (*i.e.* hedonic) considerations alone. Be that as it may, he does not introduce any *but* hedonic considerations into his ethics (although he explicitly recognizes that a stronger ethical injunction might be derived, say, on Platonic principles) (7). It is only because Râzî is content that the hedonic standard unaided is quite adequate for ethical purposes that he is able

(1) *Ṭibb ar-Rûḥânî*, 1.

(2) Cf. my discussion of "Râzî on Philosophical Originality".

(3) See *Republic* X, 612.

(4) *Ṭibb ar-Rûḥânî*, ed. Kraus, pp. 24, 27, tr. Arberry, pp. 26, 29.

(5) *Stratu-l-Falsafiyya*, ed. Kraus, p. 99, tr. Arberry, p. 703.

(6) *Ṭibb ar-Rûḥânî*, ed. Kraus, pp. 31-2, tr. Arberry, p. 33; *Stratu-l-Falsafiyya*, ed. Kraus, pp. 110-111, tr. Arberry, p. 712.

(7) *Ṭibb ar-Rûḥânî*, ed. Kraus, pp. 26-7, tr. Arberry, p. 29.

to remark that this standard without the help of the more severe soteriological-ascetic standard will bring man quite enough of joy, profit, and credit—*i.e.* to judge the outcome of his ethics alongside the Platonic ethics in terms of the popular trinity of goods: pleasure, wealth, and honor. (1)

Wherever the question of soteriology does arise within Râzî's ethics he conscientiously eschews all reference to his (Platonic) scheme of the reunification of soul with Soul as a metaphysical value and treats soteriology from a strictly hedonic point of view. Thus his attack on worldly pleasures is not in terms of the worthlessness of the world, but (with a spirit of calculation to rival that of Pascal) (2) in terms of the infinitely greater pleasures the soul may enjoy in the afterlife. (3)

To sum up, Râzî's ethical standard is purely hedonic involving an appeal to a primary pleasure-pain calculus of sorts by which all secondary value judgments are themselves to be judged, whether they involve reason or even the Kingdom of Heaven. It remains to be seen to what extent Râzî's boast is borne out: that all assignments of value within his system can be deduced from his value standard.

In terms of his ethical standard, as we have seen, Râzî is a thoroughgoing hedonist; but when it comes to the examination of specific moral problems, superficially at least something would seem to go awry, for in almost every case where some object of pleasure is under consideration Râzî counsels its *avoidance*, (4) and indeed he teaches that the primary ethical function of philosophy is the provision of a kind of moral education or training, a "spiritual physic" by which the individual will be enabled to combat his desires. (5) A strange

(1) *Ṭibb ar-Rûḥânî*, ed. Kraus, p. 32, tr. Arberry, p. 33.

(2) Minus, however, Pascal's proto-Baylesian confusions regarding the leverage of infinite stakes upon infinitesimal odds. *I.e.* Râzî is at pains within his ethics always to leave open the Epicurean alternative that "death is nothing to us" (see *Ṭibb ar-Rûḥânî*, ed. Kraus, p. 24, tr. Arberry, p. 26), and he does not suppose that our surmises regarding this ultimate unknown can legitimately be influenced by the magnitude of any hypothetical reward.

(3) *Sîratu-l-Falsafiyya*, ed. Kraus, pp. 102-3, tr. Arberry, pp. 705-6; *Ṭibb ar-Rûḥânî*, II.

(4) *Ṭibb ar-Rûḥânî, passim.*

(5) *Ṭibb ar-Rûḥânî*, II.

hedonism this, which externally seems to have more in common with Kant's dictum of duty than with any form of naturalism. Yet unlike Kant, Râzî has *defined* virtue in terms of the repression of desire and thus committed himself to a hedonic naturalism. A less than superficial study of his treatment of specific moral problems shows that here too Râzî is a hedonist, for in every major case Râzî's guiding principle is the maximization of pleasure, and it is evident from Râzî's analysis of pleasure that the only mode by which he deems this possible is the minimization of desire.

Thus for example, speaking as a medical man, Râzî warns his reader that overindulgence in drink or sexual pleasure, or even music, is destructive of the very pleasure sought. (1) The argument, of course, is hedonistic. It assumes that a pleasure optimum is being sought and so contents itself with pointing out (without "moralizing" about the subjects under discussion) that the optimum will not be found in excess. Similarly, Râzî's specific discussions of long term drawbacks and short term gains, his talk of the expense involved in various appetitive vices, (2) the possibilities of danger arising from some, (3) harmfulness of others, the potential for damage to health or reputation arising from others still, (4) all are prudential arguments based on an appeal to a primary pleasure-pain principle: The vicious man is irrational, in some way mad, unable to weigh the advantages of alternative courses of action or recognize the locus of his own interest; there is no way to distinguish him from a man bent on self-destruction. (5) Pleasure is a baited trap; (6) and no one who does not recognize this will be able to cope with or attain his object, which paradoxically, is pleasure itself.

What we must do (to complete Râzî's metaphor) is to recognize the paradox, relax the springs of the trap, to unset it

(1) *Ṭibb. ar-Rûḥânî*, ed. Kraus, p. 22, ll. 16 ff., tr. Arberry, p. 25.
(2) *Ṭibb ar-Rûḥânî*, ed. Kraus, p. 23, tr. Arberry, p. 25.
(3) *Loc. cit.*
(4) *Loc. cit.* with *Ṭibb ar-Rûḥânî, passim.*
(5) *Loc. cit.*
(6) *Loc. cit.*; cf. my discussion of "Râzî's Analysis of Pleasure." Forthcoming.

and thereby gain the bait, now recognized with the abatement of desire for the paltry thing it is. It is not pleasure unqualified we seek, (1) but rather the enjoyment of pleasure. And enjoyment, in fact, is possible, but only if we understand enjoyment as a negligible, largely negative thing, a state of rest rather than a product *or a process.* Thus apparent pleasures must be exposed for what they are, with all their dangers and drawbacks: Gluttony earns its victim disgrace as well as indigestion. (2) And of course, as Plato showed, the glutton's maw cannot be "filled." (3) Love is degrading— (4) not sinful, but overrated by its literary panegyrists, (5) and fraught with dangers of loss and grief far outweighing its brief joys. (6) Sex is harmful to health. (7) It need not be completely avoided, but an awareness of its drawbacks may be conducive to moderation, which in turn will prolong life (8) in the contented state which is our true objective. Sex, like eating, drinking and many another pleasure not controlled, fosters a self-aggravating desire which leads to harmful excess. Some pleasures, such as drink (9) (and other opiates) are actually addictive—*i.e.* the hook is barbed, and once the destructive

(1) *Ṭibb ar-Rûḥânî*, ed. Kraus, p. 73, tr. Arberry, p. 79. This, it must be recognized, is Râzî's sole argument against sybaritic hedonism, and all forms of perverse seeking of experience "for its own sake": He flatly denies (based on his medical authority and his analysis of pleasure) that any forms of excess or perversion (he is prone, as we have seen to identify the two) is enjoyable and insists upon his premiss that it is pleasure which we and all living things do (and *should*) seek.

(2) *Ṭibb ar-Rûḥânî*, ed. Kraus, pp. 70 ff., tr. Arberry, p. 75.

(3) With Râzî's analysis of pleasure cf. *Philebus* 31 B, 42 D, *Phaedo* 60 A, *Phaedrus* 258 E, *Republic* IX 583 D (contrast *Philebus* 51 A), etc. Cf. *Ṭibb ar-Rûḥânî*, ed. Kraus, p. 71, tr. Arberry, p. 76.

(4) *Ṭibb ar-Rûḥânî*, ed. Kraus, p. 36, tr. Arberry, p. 38.

(5) *Ṭibb ar-Rûḥânî*, ed. Kraus, p. 42, tr. Arberry, p. 44.

(6) *Ṭibb ar-Rûḥânî*, ed. Kraus, pp. 64 ff., 75-6, tr. Arberry, pp. 69-70, 82. Turned romantic, the "literary dandies" whom Râzî attacks are quite capable of taking up his plaint: *"plaisir d'amour ne dure qu'un moment; chagrin d'amour dure toute la vie."* But, of course, the romantics' delight in their own misery only exemplifies Râzî's claim as to the perversity of excess. (Cf. *Stratu-l-Falsafiyya*, ed. Kraus, p. 105, tr. Arberry, p. 708; *Ṭibb ar-Rûḥânî*, ed. Kraus, p. 23, tr. Arberry, p. 25).

(7) *Ṭibb ar-Rûḥânî*, xv.

(8) *Loc. cit.*

(9) *Ṭibb ar-Rûḥânî*, xiv.

processes have been set in motion it is difficult if not impossible to call a halt to the dialectic which leads ultimately to ruin.

Not only appetitive vices are condemned by Râzî as self-defeating. Pride, (1) envy, (2) and anger (3) are purged by the same rationale: For pride earns its subject only contempt, just the opposite of what he had desired. Envy may have its pleasures, but they are far outweighed by the physical and mental damage which this gnawing habit wreaks upon its subject. Anger too in excess defeats its biological end of self-preservation. (4) Like all forms of lunacy it is a self-destructive rejection of the basic self-preserving drive of all living things to avoid pain and pursue pleasure. Râzî offers as his example Galen's anecdote of his mother's attempt in anger to force a lock with her teeth. (5) In all of this Râzî endeavors to keep the argument within the confines of the logic of the very concept under investigation—*i.e.*, to show that a given passion such as lust, or anger is destructive of the very object of its original intention. Never does he depart beyond the confines of his hedonistic assumption that the (proper) object of all desire is the maximization of pleasure.

Moral vices too reduce to errors of calculation whether through ignorance or through some self-destructive urge. (6) Râzî's sole arguments against lying are prudential, based upon the inconvenience and ultimate disgrace attendant on prevarication— (7) a far cry from Kant's appeal to logic or to a right of all men to know the truth or Plato's appeal to the higher courts of metaphysics, psychology, and politics, in response to the tale of Gyges. Stinginess is treated as based upon a

(1) *Ṭibb ar-Rûḥânî*, VI.
(2) *Ṭibb ar-Rûḥânî*, VII.
(3) *Ṭibb ar-Rûḥânî*, VIII.
(4) *Loc. cit.*
(5) *Loc. cit.*
(6) *Ṭibb ar-Rûḥânî*, ed. Kraus, p. 22, tr. Arberry, p. 25. Râzî is alone among medieval philosophers, to my knowledge, in postulating a self-destructive drive functionally analogous to Freud's death wish. That this approach to the irrational is not merely a casual or ad hoc aspect of his ethics is evident from his treatment of 'cosmic psychology," the fall of the Soul, and the problem of evil.
(7) *Ṭibb ar-Rûḥânî*, IX.

misapprehension of one's own desires and the proper mode of securing their objects. (1) Anxiety and even enthusiasm in excess are self-defeating in that they become impediments to the very objects at which they aim. (2) Even Râzî's suasion that it is better never to have loved than to have loved and lost (3) is based upon purely hedonic standards, and it is difficult to see how this logic would hold up on any alternative hypotheses.

Even social vices such as excessive ambition, (4) social climbing, (5) fawning and the like are not condemned by Râzî in their social context, but rather raised to the level of hedonic criticism so that their ultimate futility, *i.e.* their futility in terms of their actual objectives, may be revealed. Finally Râzî's attack on excessive intellectualism, a fault which his spirit of self-criticism (6) allows him to recognize along with excessive ambition as a factor in his own career, (7) is condemned solely in terms of its harmfulness to health and the unattainability of its objective when set too high or too passionately sought. (8) Thus pleasure becomes the judge of reason, not reason of pleasure.

Even benevolence, whence Râzî derives all positive obligations (9) of man to man and of man to himself, is deduced, as promised, from Râzî's hedonistic first principles. For Râzî interprets the philosophical objective of becoming "as like God as humanly possible" in the light of the Islamic principle of pleasing God. (10) For God, not Socrates, is the philosopher's *imâm*, and it is from the obligations of imitating God's benevolence and perfection (and hence pleasing God) that Râzî deduces

(1) *Ṭibb ar-Rûḥânî*, x.
(2) *Ṭibb ar-Rûḥânî*, xi.
(3) *Ṭibb ar-Rûḥânî*, xvii.
(4) *Ṭibb ar-Rûḥânî*, xvii.
(5) *Ṭibb ar-Rûḥânî*, ed. Kraus, p. 86., tr. Arberry, p. 95.
(6) *Ṭibb ar-Rûḥânî*, iv.
(7) *Stratu-l-Falsafiyya*, ed. Kraus, pp. 109 ff., tr. Arberry, p. 711.
(8) *Ṭibb ar-Rûḥânî*, ed. Kraus, pp. 29-30, 62-3, tr. Arberry, pp. 31, 67; *Stratu-l-Falsafiyya*, ed., Kraus, p. 100, tr. Arberry, p. 704.
(9) *Ṭibb ar-Rûḥânî*, xix, cf. *Stratu-l-Falsafiyya*, ed. Kraus, p. 105, tr. Arberry, p. 708.
(10) *Stratu-l-Falsafiyya*, ed. Kraus, p. 10, tr. Arberry, p. 710.

the human obligations of benevolence (1) and self perfection. (2) Thus, as we have seen, even where Râzî might have argued his ethic on soteriological, theological, metaphysical or other grounds, he contents himself with a strictly hedonic argument based on man's (presumptive) "reward," (3) in this world and the next.

In short, there is no part of Râzî's ethic which is not strictly hedonistic, in principle and in application. It might be thought, especially in view of Râzî's ultimate soteriological appeal, that this hedonism of his is due to his effort to popularize the results of philosophy. And perhaps to an extent this is true, although it seems doubtful that express hedonism would have endeared Râzî's already "heretical" thinking to his contemporaries. Yet Râzî takes his principles seriously as the guide to his own life, the critique of his own ambitions and mold of his actions. (4) Can one be said to popularize for his own sake? Perhaps, but Râzî's own explanation of the ethical principles which he uses and to which he adheres may prove a more fruitful suggestion: He admires the Platonists for their spiritualism, their rigorous "combating of passions and desires," but he finds their principles somewhat impracticable; their practice, at times at least, excessive. He takes his own (hedonic) principles to be a tempering of Platonic zeal and to produce a more balanced (even if less godlike) human life. (5) His purpose is the same as theirs but his means are more moderate. (6)

(1) *Sîratu-l-Falsafiyya*, ed. Kraus, pp. 103-4, tr. Arberry, pp. 706-7.

(2) *Sîratu-l-Falsafiyya*, ed. Kraus, pp. 104-5, tr. Arberry, pp. 707-8. Even the injunction of kindness to animals is not derived from the neo-Platonic conception of all things' existing for their own sakes, still less from any such notion as *ahimsa* or reverence for life, but rather from strictly utilitarian and anthropocentric, not to say ego-centric considerations: A physician in a hurry, Râzî argues, has surely a more important role to play in the divine plan than has his miserable riding beast. (All who truly believe in transmigration, Râzî argues, will have no fear for the fate of slain animals; indeed they should recognize that souls may be "freed" to reunite with the universal soul only when they have reached the level of rationality.)

(3) *Ṭibb ar-Rûḥânî*, ed. Kraus, pp. 27 ff., tr. Arberry, pp. 32-33.

(4) *Ṭibb ar-Rûḥânî*, IV; *Sîratu-l-Falsafiyya*, ed. Kraus, pp. 99-100, 109-11, tr. Arberry, pp. 703-4, 711-2.

(5) *Sîratu-l-Falsafiyya*, ed. Kraus, pp. 109 ff., 100, tr. Arberry, pp. 710, 704; *Ṭibb ar-Rûḥânî*, ed. Kraus, pp. 29-30, 62-3, tr. Arberry, pp. 31, 67.

(6) *Sîratu-l-Falsafiyya*, ed. Kraus, p. 100, tr. Arberry, p. 704.

One aspect of Râzî's hedonism remains to be explained: that is, of course, its superficially paradoxical ascetic bias. Yet Râzî has already shown us in detail how the maximization of pleasure entails the minimization of desire and revealed how the sybaritic interpretation of hedonism is based on a faulty analysis of the logic of pleasure. In drawing ascetic practical conclusions from hedonistic ethical theory Râzî is doing nothing new. For the core of Epicurean ethics is just such an interpretation of hedonism and just such an analysis of pleasure as his. And Râzî's ethics can be seen to have drawn heavily upon Epicurean ethical thinking; for, as we have seen, Râzî endeavors conscientiously to keep his ethics within the confines of an Epicurean axiom system rather than making it dependent on any particular view of the nature of the afterlife. (1) And Râzî's ethics incorporates along with all the Epicurean elements already mentioned the Epicurean's traditional discussion of the fear of death, (2) the Epicurean misogyny (3) and prejudice against sex, (4) the Epicurean identification of pleasure as the animating *and therefore* legitimating principle of all desires, (5) and the relativization of virtue to the strength of desire and the habituation of "felt need," (expressed in the notion that "It was easier for Socrates to be abstinent than for Plato") (6). All of these are hallmarks of Epicurean ethical thinking. Yet there is a kind of ethical mixing in Râzî's ethic, symbolized by his deference to the Cynic "Socrates" (7) and other pure ascetics who by strict application of Râzî's own hedonic standard would be considered merely madmen. (8) Râzî presumes that the philosopher has an even stronger obligation than the ordinary man not merely to be rational, but also to curb his desires; (9)

(1) *Ṭibb ar-Rûḥânî*, ed. Kraus, p. 23, tr. Arberry, p. 26.
(2) *Ṭibb ar-Rûḥânî*. xx,
(3) *Ṭibb ar-Rûḥânî*, v, xii.
(4) *Ṭibb ar-Rûḥânî*, xv.
(5) With *Ṭibb ar-Rûḥânî*, ii, etc. cf. *e.g. De Rerum Natura* I, 1 ff.
(6) *Ṭibb ar-Rûḥânî*, ed. Kraus, p. 26 f., tr. Arberry, p. 27; *Sîratu-l-Falsafiyya*, ed. Kraus, pp. 105 ff., tr. Arberry, pp. 708-9.
(7) *Sîratu-l-Falsafiyya*, ed. Kraus, pp. 100-1, 110, tr. Arberry, pp. 703-4, 711-2.
(8) See above and cf. *Ṭibb ar-Rûḥânî*, ed. Kraus, p. 23, tr. Arberry, p. 25.
(9) *Ṭibb ar-Rûḥânî*, ed. Kraus, p. 22, tr. Arberry, p. 23.

this mixing, the impregnation of hedonic by ascetic and other-worldly ethical and evaluative standards in Râzî's thought remains to be explained.

For in spite of Râzî's adequate achievement of his boast, while there is no principle of his philosophy which cannot be derived from his hedonic first principles, there are many things *about* his philosophy which cannot be explained on hedonic grounds alone. For example, Râzî urges that the immediate discomfort of deprivation is easier to bear than an (equal!) discomfort of cessation. (1) Moreover he does not condone the indulging of appetite where it is probable or likely that pleasure gained will outweigh pain but only where it is *certain* that the opposite will not prove to be the case. (2) Again, Râzî's attitude toward moral training, both negative and positive, has more in common with the spirit of Stoicism than with that of Epicureanism, (3) although it serves an Epicurean end. For Râzî counsels that we should inure ourselves to losses by considering the objects of our affection already lost (4) and we should practice for hardships we may never have to undergo by forcing ourselves to accept privations by way of disciplining (N.B. *not* mortifying) the body and the soul. (5) Ascetic (but not hedonic) excess may be "medically" called for. (6) Further, he embraces the Epicureans' analysis of pleasure somewhat more wholeheartedly than they, recognizing quite unambivalently that the treatment of pleasure as a mere relaxation of tension, release of irritation makes pleasure a negative and pushes the avoidance of pain to the forefront as the primary ethical counter. (7) Râzî's ethics, accordingly, bears a correspondingly dour aspect, in a way quite out of keeping with its initial hedonistic message. A major problem too is posed by Râzî's repeated (albeit hedonic) reference to

(1) *Ṭibb ar-Rûḥânî*, ed. Kraus, p. 23, tr. Arberry, p. 24.
(2) *Ṭibb ar-Rûḥânî*, ed. Kraus, pp. 23-4, tr. Arberry, p. 25.
(3) *Ṭibb ar-Rûḥânî*, II.
(4) *Ṭibb ar-Rûḥânî*, *loc. cit.*, with XI, XII.
(5) *Ṭibb ar-Rûḥânî*, ed. Kraus, pp. 22-3, cf. p. 31, tr. Arberry, pp. 23-4, cf. p. 33.
(6) *Ṭibb ar-Rûḥânî*, ed. Kraus, p. 31, tr. Arberry, p. 33; cf. *Sîratu-l-Falsafiyya*, ed. Kraus, pp. 101, 105, tr. Arberry, pp. 704, 708.
(7) *Ṭibb ar-Rûḥânî*, II, with XX, ed. Kraus, p. 109 f., tr. Arberry, p. 105.

man's soteriological reward—for surely the rejection of all such reference is the hallmark of Epicurean ethical and intellectual integrity and provides the express primary motive for all truly Epicurean philosophy. Râzî's Epicurean doctrine of the predominance of suffering in this life, combined with his optimistic theodicy and his rejection of the Epicurean denial of providence forces him to adopt a most un-Epicurean soteriological metaphysic and willy-nilly to reintroduce into philosophy the very otherworldly considerations which Epicurus thought it the prime task of philosophy to remove. Finally there is the whole question of Râzî's motivation in exposing (hedonically, to be sure) the particular sorts of "vices" which he singles out for attention. Like the Epicureans, Râzî bears a prejudice against the abuse of appetite and passion, and to this he adds the recognition of an analogous flaw in intellectualism. But obviously these (frankly confessed) prejudices do not follow from Râzî's *hedonism*, and the fact remains that Râzî's futility analysis might have been turned upon many another object besides mere appetitive and passional excesses—for example at the search for tranquillity itself. Yet Râzî takes care to aim his penetrating analysis only at certain carefully defined targets, one might even say strawmen—no Voltaire is he, the critic of his age. If he is a freethinker, the term must be applied in a relative sense, and even then with care. He wrenched himself free of certain of the prevailing categories of his age: It was an achievement to be an Epicurean in ninth century Rayy. And yet it would be difficult to say that Râzî's hedonism itself was in the service of anything but quite conventional or at any rate philosophically and religiously acceptable values. Râzî navigates with a certain latitude, but not with absolute independence of his cultural bearings.

The qualifications which we have observed to the sense in which Râzî's may be called a strictly hedonistic ethic are less exceptions to the purity of his hedonic standard than they are assignments of a direction to hedonism itself. Râzî's asceticism is extra-philosophical: it provides the motive and the aim of his argumentation but does not enter into that argumentation itself. Formally his philosophy is hedonistic; its asceticism

is evident only in its material aspect. Râzî avails himself of every opportunity which the Epicurean analysis of pleasure affords to expose the futility of pleasure-seeking *in its own terms*. At no time does he praise or recommend a life of pleasure. And yet, as we have seen, his ethical standard is consistently and exclusively hedonistic, and all the principles of practice which he recommends are derived by him from strictly hedonistic tests—this despite the fact that the materials to which these tests are applied have often been pre-judged by traditional, conventional, or philosophical (*i.e.* Academic-Peripatetic) morality, and despite the fact that in terms of practical outcome Râzî's empirical tests almost never yield a result at variance with the prescriptions derivable from such moral authorities. In what sense, then, is Râzî a hedonist? Always in the background of his hedonic arguments lurk his notions of human nature, divine law and justice, moral and soteriological perfection, equity and conventional values. (1) In what sense then is Râzî an Epicurean?

It might be claimed that the strange blend of hedonism with asceticism, of Epicurean arguments with Platonic and traditional values which characterizes Râzî's moral philosophy is the outcome of an uneasy eclecticism, an incapacity or lack of opportunity to penetrate deeply into any one philosophical tradition on the one hand or to create a radically new approach on the other. Such an interpretation, I think, would be not merely oversimplified; it would be unfair. Plato himself, in the end was unwilling and unable to keep ethical and hedonic standards strictly separate (nor did his rejection of ethical conventionalism imply a far departure from ethical conventions), and Muḥammad, in terms of his soteriological vision, did

(1) *Sīratu-l-Falsafiyya*, ed. Kraus, p. 105, tr. Arberry, p. 708; *Ṭibb ar-Rûḥânî*, XIX; cf. the analysis *e.g.* of envy at VII: It is already assumed, before the hedonic arguments are brought to bear that "the malicious man is hateful in the eyes of God and men." Thus the purpose of these arguments can only be to confirm what is already known or to demonstrate that common values can be derived from hedonic analysis. Just as the derivation of Boyle's Law from Joule's Principle added more strength to the latter than the former, Râzî's hedonic arguments toward common values often seem to lend more to hedonism than they add to the (already conceded) principle under discussion.

little to promote the segregation of the intrinsic from the extrinsic "reward" in the minds of those who followed him. (1) (And Muḥammad too gleaned much from the ethical notions of his contemporaries. The notion that Arabs before Muḥammad's revelation lived in a state of savagery—*jâhiliyya*—must be interpreted as at best a piece of propagandistic hyperbole; and of course the civilizations upon which the developed Islamic law and morals were founded were not Arab at all to begin with, but Greek, Christian, Persian, and Jewish.) Moreover (and this I believe is more important for an understanding of Râzî's ethics), it may prove to be the case that there is no such thing as a purely hedonistic *ethical* system, *i.e.* that what we have come upon in discovering the apparent ambivalence of Râzî's values is not so much a weakness in Râzî's philosophy particularly, as a kind of openness in all hedonisms in general.

I am referring to the *ethical transparency* of hedonistic value systems. What I mean is this: Anyone who for reasons of dialectic or merely because (as was the case with Râzî) the hedonistic model seems to provide an adequate standard of ethical judgment, anyone who puts forward a hedonically oriented ethical system will soon find that the burden of argument is upon him to show that the results of *his* value inquiry will be in no way inferior to those which might have been derived from any other source, be it tradition, convention or a rival philosophical approach. This burden of argument falls heavily indeed on the shoulders of the would-be hedonist, for his failure (dialectically) to convince on this point will result in immediate rejection of his claim to be taken seriously as a specifically ethical rather than merely prudential thinker. This is a danger to which every major hedonistic philosopher has been

(1) Can it be that only the Epicureans rigorously segregate ethics from the question of "reward"? Perhaps. But this paradox surely is an outcome of their characteristic distaste for all otherworldly thoughts and their somewhat irrational fear of the irrational fear of death— for, on strictly hedonistic principles, "afterworldsmanship" cannot be ruled out: Râzî's is the more consistent hedonism, leaving open the possibility of a reward and letting optimistic theodicy and Platonic eschatology eliminate any residual fears.

tremendously sensitive—although this sensitivity did not always earn its subjects the respect for their sincerity which they may have deserved—for even to identify the ethical with the prudential is, as Cicero recognized, (1) to make an ethical claim. Thus Epicurus is at pains to distinguish his philosophy from mere Cyrenaicism by maintaining a certain seriousness and scientific detachment, and above all by deriving all the non-sensual intellectual, moral and social values by which anyone might seek to criticize his ethics *within the Epicurean system.* Bentham too endeavors to derive the altruistic principles of benevolence and even self-sacrifice within the framework of his hedonistic assumptions. And of course Mill's famous difficulty over "qualitative" versus "quantitative" differences in pleasure is no more than his attempt to reconcile his systematic hedonism with values (which one might, like Bentham, question only at one's peril) ostensibly or in some cases manifestly derived from an extra-hedonic source.

The *ethical* hedonist, that is to say, finds the results of his value inquiry constantly exposed to test against the touchstones of various alternative philosophical and non-philosophical moralities, and he more often than not is put in the position of showing that his results are at least as "moral" (in a common sense, for to use the special hedonic sense would be to beg the question at issue) as any which might be derived from any other source. It is this necessity which gives hedonism its ethical transparency. The hedonism of Epicurus may be colored by the value which its author placed on the simple pleasures, friendship and understanding. That of Bentham can no more be free of his peculiar moral and aesthetic evaluations than Mill's can be of the social and cultural claims which were being made in his time. It cannot be claimed that hedonism in each case dictates the specific course of these divergent material moralities. Rather hedonism (being an ethic of pleasure) is transparent to them—not only because pleasures vary from man to man and from age to age (for here some common ground might always be found), but because

(1) *De Officiis,* III.

what is valued conventionally, philosophically, popularly, traditionally, extra-hedonically in a given society and age cannot be isolated from any hedonism put forth in that milieu without that hedonism losing all claim to status as a prescriptive ethical system. Even what people enjoy, not to mention what they are prepared to claim or admit they enjoy, cannot remain free of such considerations. This I believe will be found to be the case in all historical and cross-cultural investigations of ethical philosophy. That this is so is no more than a socio-historical consequence of the applicability of the "open question" to all forms of ethical naturalism; for ordinary men, without the sophistication of a Moore to recognize a problem in naturalism posed by the very openness of the question "But is it really good?", will readily enough ask that very question of the purported outcome of any ethical analysis with which they are ethically uncomfortable. And, of course, as Moore claims, it will always make sense for them to do so.

It is in this light that we should understand Râzî's ascetic hedonism. Hedonism for Râzî seemed an adequate basis for deriving all practically necessary ethical principles. If hedonism might form the basis of a critique of those who "sit in mosques all day"—(1) so much the better. Hedonism could never conflict with but only moderate the "higher"—but more dangerous—claims of Platonic asceticism and otherworldliness. For any ascetic principles deemed necessary could be derived from the Epicurean analysis of pleasure. Thus Râzî was a thorough-going hedonist. But when it came to the matter of *what* principles were to be held worthy of hedonic derivation, Râzî succumbed to the ascetic and intellectualist appeals which Philosophy (in the sense of the Platonic and Aristotelian heritage) and Islamit self, working in tandem, had persuaded Râzî (and for that matter most of his contemporaries) had to be taken into consideration in *any* account of ethics.

In this sense then, in spite of Râzî's argumentation, in spite of his radical "originality," his refusal to treat ethics solely within the traditional Islamic and Platono-Aristotelian framework,

(1) *Stratu-l-Falsafiyya,* ed. Kraus, p. 106, tr. Arberry, p. 708.

hedonism is not paramount in his philosophy. It provides a kind of net for gathering up what at this time were regarded as all the best ascetic and otherworldly values, reinforcing their claims by prudential reasoning and putting them within reach of the (ethically) ordinary man, without ever fully subordinating to an alien standard the claims of these "higher" values (religious and philosophical) to intrinsic or even transcendent worth.

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PATRONAGE AND POWER IN 6TH/12TH CENTURY BAGHDAD THE LIFE OF THE VIZIER ʿAḌUD AL-DĪN IBN AL-MUẒAFFAR

Most Islamic states in the Middle Ages eventually fell under external military control of the kind exemplified by the Buwayhids, the Ayyubids or, in the most extreme case, the Mamluks of Egypt. For a brief period, however, in Baghdad and its surrounding territory, the process was not merely halted, but reversed, and the cultured Arab magnate families of the city regained control over their own political destinies. It is impossible to say whether this development had a future, since the sudden catastrophe of the Mongol conquest interrupted all normal patterns of life, but even if it was only a temporary phenomenon, the revival of the Baghdad aristocracy is a fascinating episode.

This article traces in outline the rise to power of one member of that aristocracy, the Vizier ʿAḍud al-Dīn Abū 'l-Faraj Muḥammad b. ʿAbd Allah Ibn al-Muẓaffar (514-573). The career of ʿAḍud al-Dīn illuminates several features of Baghdad society, and illustrates how the magnate families rose through a sequence of particular offices under the Caliphate. The rival military interest, which was represented primarily by the Turkish Mamluks, cannot so clearly be linked to a *cursus honorum* of administrative positions, since it depended more on the unmistakable display of power, but we shall see that the Mamluks

were very much interested in holding or controlling the traditional offices normally reserved for the magnates.

The prize, of course, was the Vizierate, and individuals like ʿAḍud al-Dīn often resorted to extreme measures to gain it. In the next rank, the principal offices likely to lead to the Vizierate were Ustādh al-Dār (which appears in an extended construct as Ustādh Dār al-Khalīfa, and is therefore often rendered as Ustād-Dār, or something similar in transcription), and Ṣāḥib al-Makhzan, or Treasurer. Of the two, the Ustādh was in a slightly stronger and more independent position, since the Treasurer was subject to the critical attentions of a potential rival, the Mushrif al-Makhzan, or Auditor. (1) In the next rank were the offices of Ṣāḥib al-Dīwān and Ḥājib al-Bāb, probably in that order of importance. The Ḥājib seems to be a sort of minister of protocol, regulating access to the official departments in Dār al-Khilāfa, with his principal responsibility centering on the main entrance at Bāb al-ʿĀmma. In the performance of his duties he is described as presiding, "jalasa bi'l -bāb," or perhaps just sitting. Some Ḥājibs presided at Bāb al-Nūbī (?), the second principal entrance to Dār al-Khilāfa, just south of Bāb al-ʿĀmma, but when the *bāb* is not given a specific name it can probably be assumed that it is Bāb al-ʿĀmma that is meant. Whichever of the two gates the Ḥājib chose, he presumably had a *nā'ib* to control the other. The Ṣāḥib al-Dīwān may have served as a presiding officer in sessions of the Dīwān, and perhaps doubled as a sort of Sergeant-at-Arms. One would need to investigate the procedures of the Dīwān, and learn how decisions were reached, before the

(1) The importance and exclusiveness of the Ustādh-Dārīya can be seen in the following list of holders of the office: ʿIzz al-Dawla Abū 'l-Makārim Ibn al-Muṭṭalib (to 523), son of the Vizier of the year 501. ʿIzz al-Dawla seems to have been in office at the time of his death; Niẓām al-Dīn Abū Naṣr al-Muẓaffar b. ʿAlī Ibn Jahīr (to 549), Ustādh al-Dār 523-535, Vizier 535, member of a family that produced four Viziers; three generations of the Banū Muẓaffar then held the office between 535 and 567, a Mamluk, Ṣandal al-Muqtafawī held it from 567 to 571, and in 571 it went to Abū 'l-Fatḥ Hibat Allah b. ʿAlī Ibn al-Ṣāḥib (to 583), who retained it up to the time of his execution for extreme Rāfiḍism under the Caliph al-Nāṣir. The powers and duties of the office deserve a detailed study. Roughly speaking, the Ustādh al-Dār seems to have acted as a sort of *major-domo* to the Caliph's official household.

Ṣāḥib's office could be properly understood. I do not find that any Ṣāḥib seems seriously to have influenced the Dīwān in his own interest, but the office was a good starting point for a new arrival into the administrative aristocracy.

The great Hanbalite Vizier, 'Awn al-Dīn Abū 'l-Muẓaffar Yaḥyā b. Muḥammad Ibn Hubayra (499-560), went from the post of Mushrif al-Makhzan to that of Ṣāḥib al-Dīwān, and was raised directly from that post to the Vizierate. Once in power, he kept control over the lower offices, and by filling them with his own men whenever he could, he prevented any serious challenge to his rule for 16 years (544 to his death in 560), but when he died, the play of family alliances and party interests regained its importance. The chief events of 'Aḍud al-Dīn Ibn al-Muẓaffar's career belong to the years after the Vizierate of Ibn Hubayra.

A particularly important aspect of politics in Baghdad at this time is the association between the secular interests and the schools of religious law. The magnate families allied with 'Aḍud al-Dīn were usually Shafeite or Hanafite, and there is a definite tinge of Ash'arism in 'Aḍud al-Dīn's personal associations. It would probably be going too far to say that the Hanbalites positively favored the Mamluk interest, but they do seem to have been associated with it, and ready to give it their tacit support, so long as they could hope thereby to distress their Shafeite and Hanafite rivals.

The primary source for the period is the annals of Ibn al-Jawzī in the tenth volume of *al-Muntaẓam fī Ta'rīkh al-Mulūk wa 'l-Umam*. A first encounter with this work leaves the reader with an impression of disjointed and arbitrary notes from a diary. Little or no explicit interpretation is offered with these notes, and Ibn al-Jawzī is usually judged to be a shallow, parochial and rather trivial annalist. Parochial he certainly is, but this is not entirely a failing in an historian of Baghdad. Baghdad, for all its decline, was still the city of the Caliphate, and during the hundred and fifty years preceding the Mongol conquest, it was showing some signs of a renewed vitality and importance. In using *al-Muntaẓam* as my principal source for the two decades between 555/1160 and 575/1180, I have come

to feel that, on the history of his own time at least, Ibn al-Jawzī is a writer of considerable subtlety. He is too careful of his own skin to indulge in explicit judgements, but his choice and juxtaposition of factual statements is economical and judicious, and when the diary includes an apparently irrelevant note, it is well to look for the reason lying behind it. Sibṭ Ibn al-Jawzī's *Mir'āt al-Zamān* is often a help here, since the younger writer, emboldened perhaps by his move from Baghdad to Damascus, is much more direct about his likes and dislikes than his grandfather. (1)

The Abbasid Caliphate at Baghdad began its emancipation from external control in the middle of the 5th/11th century, in large part through the efforts of Ra'īs al-Ru'asā' Abū 'l-Qāsim 'Alī Ibn al-Muslima, the first strong Sunnite Vizier in more than a century. (2) As a counterbalance to the Shiite Buwayhids, and more especially to their general, Abū 'l-Ḥārith Arslan Basāsīrī, Ibn al-Muslima was ready to welcome the Oghuz Turks under the leadership of the Seljuk chieftain, Toghril Bey. Toghril Bey's triumphant final entry into Baghdad came too late for Ibn al-Muslima himself, but it meant the success of his policy, and the scandal of heretic control over the Caliphate was at an end. (3) A century later, it was left for the Caliphate to win for itself complete freedom, this time from the remnants of Seljuk power, and in the year 549, when the Seljuk Shiḥna, Mas'ūd Bilālī was finally driven from southern Iraq, the Caliph al-Muqtafī was at last able to claim full political independence. (4) The Caliphate under al-Muqtafī and his successors controlled a small territory only, but its unique resource of spiritual authority gave it the same sort of disproportionate

(1) I have used the Hyderabad edition of *al-Muntaẓam* (*Kitāb al-Muntaẓam fī Ta'rīkh al-Mulūk wa 'l-Umam*, Vols. 5-10, Hyderabad 1358-1360[1938-1940]) and the manuscript facsimile edition of *Mir'āt al-Zamān* (ed. J. R. Jewett, Chicago 1907—I have not been able to consult the Hyderabad edition of this latter work). Both of these editions have been seriously criticized, but the publication of even defective texts for Islamic history is infrequent enough that we must be thankful for what few common references are available.

(2) *Encyclopaedia of Islam*[2] III, 891-892 (Cahen).

(3) *Cambridge History of Iran*, Vol. V, 46-48 (Bosworth); "al-Basāsīrī," *EI*[2] I, 1073-1075 (Canard).

(4) *CHI* V, 127-128 and 167-168 (Bosworth); *Muntaẓam* X, 155-159. In the

influence that the Papacy might claim after the 15th century in Europe. The achievements of the Zengids and the Ayyubids in Syria and Egypt, though remote from the Caliph's political and military control, inevitably reflected glory on the revindicated Abbasid line; the pious might once again dream of the unification of the Muslim world, and the politics of the Caliphal city took on a certain importance as a result. In these years of independence, the descendants of Ibn al-Muslima rose once more to prominence, most notably in the person of ʿAḍud al-Dīn Abū 'l-Faraj Muḥammad.

ʿAḍud al-Dīn's predecessors had gone through a period of obscurity following the murder of Ibn al-Muslima in 450. Ibn al-Muslima's son, Abū 'l-Fatḥ al-Muẓaffar, seems to have held the powers of the Vizierate once, but very briefly, in the year 476, and perhaps only as a stand-in for Abū Shujāʿ al-Rudhrāwarī. (1) It is to this al-Muẓaffar, rather than to Ibn al-Muslima himself, that the 6th century members of the family usually refer their descent. The next in line, Hibat Allah b. al-Muẓaffar b. Raʾīs al-Ruʾasāʾ, seems to have been a literary figure with to political interests, but his son, ʿIzz al-Dīn Abū 'l-Futūḥ ʿAbd Allah began the ascent to power again through the office of Ustādh al-Dār to the Caliph al-Muqtafī. On his death in 549, Abū 'l-Futūḥ bequeathed this office to his son, ʿAḍud al-Dīn, previously known as Majd al-Dīn. (It was a regular practice in this period to alter the *laqab* on the occasion of a significant promotion, a practice which adds substantially to the difficulties of tracing an individual career through the sources.) (2)

next year, Ibn al-Jawzī notes that when a son of the Vizier ʿAwn al-Dīn Ibn Hubayra met a fugitive Seljuk prince in Baghdad, he treated him pointedly as an equal (*Muntaẓam* X, 161).

(1) E. de Zambaur, *Manuel de Généalogie et de Chronologie* Hanover 1927 (*rpt.* Bad Pyrmont 1955), 8.

(2) I have not found a certain obituary notice for Hibat Allah b. al-Muẓaffar, but I suspect that the ʿAbd Allah b. al-Muẓaffar included in the obituaries for the year 526 (*Muntaẓam* X, 28) is an error for Hibat Allah. (In some hands, "Hibat" and "ʿAbd" could look quite similar.) A terse obituary of Ustādh al-Dār Abū 'l-Futūḥ ʿAbd Allah is given in *Muntaẓam* X, 159, and in Ibn al-Athīr, *al-Kāmil*, Cairo 1301 [1884], XI, 75. He is also known from the earliest dated poems in the *Dīwān* of Sibṭ Ibn al-Taʿāwīdhī (*Dīwān*, edited by D. S. Margoliouth, Cairo

ʿAḍud al-Dīn's heart was early set on attaining the Vizierate, and he watched with impatience the continuing ascendancy of ʿAwn al-Dīn Ibn Hubayra, the indispensable ally of al-Muqtafī in the struggle against the Seljuks, who earned for himself in the final campaigns the distinctive titles, "Sultān al-ʿIrāq" and "Malik al-Juyūsh." At the time of al-Muqtafī's death in 555, Ibn Hubayra astutely resigned, and was immediately reinstated for life, on his own terms, with increased authority, by the new Caliph, al-Mustanjid b. al-Muqtafī. (1) During the next five years, Ibn Hubayra governed as a virtual dictator. One can sense, through the obligatory praise of the obituary notices, a recognition that al-Mustanjid had not his father's strength of character, and that in him, his father's firmness was altered to a taste for outright tyranny, exercised for the most part vicariously.

Ibn Hubayra's activities over the period of his dictatorship had lingering effects on the subsequent political life of Baghdad. He began his new term of office with a series of summary arrests and destitutions. Many of these were for personal and doctrinal reasons that can no longer be clearly seen, but in one instance, or series of instances, a complex political maneuver can be detected. The ultimate goal was to increase the centralized revenues of the Caliphate, without incurring the religious and legal condemnation associated with the imposition of arbitrary and extraordinary levies outside the traditional pattern. Such "illegal" taxes were known as *mukūs*, and it is one of the regular allegations against an irreligious tyrant that he imposed *mukūs*. Ibn Hubayra's campaigns against the Seljuk Shiḥna had been enormously expensive, and he may have had expansionist plans. (2) In any case, an increase in taxes could only tend to

1903, rpt. Dar Sader, Beirut 1967): No. 196, p. 294 (read *wālid*, for *walad*); No. 251, p. 391, dated 546, which shows that the poet was already a client of ʿAḍud al-Dīn's father. No. 178, p. 264, dated 549 is in honor of ʿAḍud al-Dīn's elevation to the office of Ustādh al-Dār. He is here still addressed as Majd al-Dīn, but it was surely on this occasion that he took the *laqab* ʿAḍud al-Dīn. He was certainly using it in 560, before his elevation to the Vizierate.

(1) *Muntaẓam* X, 193.

(2) The dilatory siege of Tikrīt alone, in which Ibn Hubayra's son Abū 'l-Badr Ẓafar was ignominiously taken prisoner by his own second in command and

strengthen the Caliphate at the expense of the great families, and this seems to be a consistent part of Ibn Hubayra's program.

Ibn Hubayra, as a strict legalist Hanbalite, could not openly resort to *mukūs* levies, and his method of avoiding them was to alter the system of accounting in the traditional taxes. The first step was to eliminate any opposition from the Qāḍī 'l-Quḍāt. The Hanafite incumbent, Abū 'l-Ḥasan 'Alī Ibn al-Dāmaghānī, would be likely, by virtue of both *madhhab* and social position, to take the least favorable view of Ibn Hubayra's plans, and though his opposition could be ignored, it would be anomalous for a strict legalist to act openly against the opinion of the Qāḍī 'l-Quḍāt, whatever his *madhhab*. But direct action against Ibn al-Dāmaghānī was also an inacceptable device for a strict legalist. Next after the imposition of *mukūs*, one of the principal allegations against tyrants is unjust and arbitrary removal of officials from office. Proceedings against the Qāḍī were therefore arranged in stages. The first step was the arrest of the Qāḍī Ibn al-Murakhkhim (his jurisdiction is not stated) on charges of extreme venality in office. In the search of Ibn al-Murakhkhim's house, the *rasā'il* of the Ikhwān al-Ṣafā' were discovered, along with other heretical texts, and the whole library was burned in a public square in Baghdad. Ibn al-Murakhkhim's place was filled by Abū 'l-Barakāt Ja'far b. 'Abd al-Wāḥid Ibn al-Thaqafī. A month or so later, Abū 'l-Barakāt's father, Abū Ja'far 'Abd al-Wāḥid b. Aḥmad, found occasion to tell Ibn al-Dāmaghānī to stand up in deference to Abū 'l-Barakāt. Ibn al-Dāmaghānī naturally protested that this was an inversion of protocol, but it was alleged and witnessed against him that he had once, on a similar occasion, stood to receive Ibn al-Murakhkhim. The allegation was not enough to get Ibn al-Dāmaghānī executed for heresy, but it was enough to justify his removal from the highest juridical office. (1) He remained out of office for

delivered to Mas'ūd Bilālī, had cost 300,000 Dinars by the year 549, "more, says Ibn al-Jawzī, than had been expected." *Muntaẓam* X, 156.

(1) *Muntaẓam* X, 194-195; Ibn al-Athīr, *al-Kāmil*, Cairo 1301 [1884], XI, 97. Ibn al-Dāmaghānī was forced, in the next year, to leave his house in the Bāb

15 years until the final triumph of ʿAḍud al-Dīn, when he was restored to full honors. For the present, the office of Qāḍī 'l-Quḍāt was given to Abū Jaʿfar ʿAbd al-Wāḥid himself, and on his death a month later, to his son, Abū 'l-Barakāt Jaʿfar, who held it until he died under interrogation by the vizier Ibn al-Baladī. (1)

The next step in Ibn Hubayra's program was the appointment of a special inspector of *muqāṭaʿāt*. These were parcels of land "having a fiscal autonomy protecting them from intervention by the agents of the treasury, and paying to the state, out of the normal payment of the inhabitants, only a fixed contracted sum." Ibn al-Jawzī does not commonly mention this sort of appointment, and the notice given to it here is significant. The inspector was Kāfi 'l-Kufāt al-Kātib Bahā' al-Dīn Abū 'l-Maʿālī Muḥammad b. al-Ḥasan Ibn Ḥamdūn, and his responsibility was presumably to get as accurate a statement of the acreage protected under *muqāṭaʿāt*. Landholders may have been persuaded to reveal their holdings accurately by some sort

al-ʿĀmma quarter, and to move to the madrasa of Tutush. Ibn Hubayra moved his own daughter into the house in Bāb al-ʿĀmma, *Muntaẓam* X, 199. L. Massignon, in "Cadis et naqībs baghdadiens," *Wiener Zeitschrift für die Kunde des Morgenlandes*, 51 (1948), 110, gives a rather different impression of the case in a summary parenthesis, "'Alī-b-A-b-ʿAlī Dāmeghānī III 544-555 (révoqué à cause de son nāīb Abū'lwafā Yaḥyā-b-Muẓaffar Ibn Muzaḥḥim que Kīlānī fait révoquer pour avicennisme)." My own reading of the last name is based solely on the printed text of *Muntaẓam*, but *murakhkhim*, an occupational title meaning "worker in marble revetments," seems intrinsically more likely than *muzaḥḥim*, for which the dictionaries offer no convincing translation. "Avicennism" is an excessively refined term for what Ibn al-Jawzī claims was Ibn al-Murakhkhim's offense. The overt charge was gross venality ("kān bi's al-ḥākim wa ākhidh al-rishan"), and the subsequent documentation of heretical leanings centered on the discovery of the *Rasā'il Ikhwān al-Ṣafā'*, which, in the 6th century, would imply Ismaʿilism at least as much as it did philosophy. The brief commentary running through Massignon's lists seems to be something of an over-reaction against "manuels purement politiques comme le Manuel de Zambaur (p. 106)." Cases such as the deposition of Ibn al-Dāmaghānī, however, can surely be seen neither as solely political nor as solely doctrinal, but rather as evidence of the inseparability of the two interests, particularly in Baghdad.

(1) Abū Jaʿfar—*Muntaẓam* X, 196. Abū 'l-Barakāt—*Muntaẓam* X, 224, a man from Kufa accused him of some sort of misappropriation of property, and in the course of the investigation, Ibn al-Baladī "addressed abusive words to him, so that he had a haemorrhage, and died." For the character of Ibn al-Baladī's reign of terror (563 to 566), see below.

of false promise of security. In 556, however, the blow fell. Ibn Hubayra, by a legal ruling, abolished the *muqāṭa'āt* entirely, and subjected all the protected lands to the full assessment of *kharāj*. This ruling was to bring in a vastly greater revenue, and all levels of society seem to have been affected by it. Ibn al-Jawzī says that "tongues were everywhere set wagging in censure of the Vizier." (1)

Taxes were not the only question that distressed Baghdad. The other religious schools began to fear that Ibn Hubayra's Hanbalism was to be imposed more and more firmly on Baghdad, and they may well have been correct. The non-Hanbalite magnates were not happy during the last years of Ibn Hubayra's rule, and 'Aḍud al-Dīn was one of the natural leaders of this class. His long family tradition set him in contrast to Ibn Hubayra, who used to emphasize that he was a self-made

(1) The nature of a *muqāṭa'a*, and the difference between that and an *iqṭā'*, is set forth in the article "iḳṭā'" by Cahen (*EI*² III, p. 1088), from which the definition given above is quoted. The passage from *al-Muntaẓam* (X, 200),

و فى هذه الايام غلظ على الناس فى امر الخراج و ردّت المقاطعات الى الخراج فانطلقت الألسن باللوم للوزير لأنه كان عن رأيه

must certainly signify a net increase in taxes. The corrective measure (from the taxpayer's standpoint) is described as follows,

وأمر المستضئ بأمر الله باسقاط الخراج المحدث، عن أملاك الرعية وأن يجرو على المقاطعات القديمة فى أيام الخلفاء المقطعين.

Ibn al-Furāt, *Ta'rīkh*, ed. Hassan al-Shamma, Basra 1967, Vol. IV, part 1, p. 121. The avoidance of new, *mukūs*, taxes seems to me critical in the policy of a legalist Hanbalite, and I have adopted what seems to me the likeliest explanation of how this was done. Bosworth, *CHI* V, 168, giving a reference only to the obituary notice of Ibn Hubayra, seems to suggest that the ruling against *muqāṭa'āt* was directed wholly or principally against the Shi'a. I suspect the target was larger. Ibn Ḥamdūn's part in the affair cannot have made him popular. He shared the fate of the Banū Hubayra, when their power collapsed in 560. *GAL* I, 280, *Suppl.* I, 493; *Kāmil* XI, 124.

man, having started his life in extreme poverty in a small country town. (1)

In the year 560, when Ibn Hubayra contracted a sudden and fatal illness, ʿAḍud al-Dīn is pictured as sending his servants, vulture-like, to the door, to learn each detail of the Vizier's collapse. (2) Ibn Hubayra died believing that he had bequeathed his power to his son, ʿIzz al-Dīn Muḥammad Ibn Hubayra, but al-Mustanjid had tired of the family, and the accessible members of the household were arrested almost immediately, and sequestered variously in the palace of the Caliph and that of ʿAḍud al-Dīn. ʿAḍud al-Dīn was now within one step of his goal, and in a literary *samāʿ* written shortly after the arrests of the Banū Hubayra, ʿAḍud al-Dīn's honorifics sound very much like a claim laid to the Vizierate. (3) No formal source, however, speaks of ʿAḍud al-Dīn's investiture at this date, and it would seem that the office was considered to be still held by ʿIzz al-Dīn Ibn Hubayra. It was probably frustration, therefore, that led ʿAḍud al-Dīn to contrive a faked escape from prison for ʿIzz al-Dīn, who was murdered in the course of it. A brother, Sharaf al-Dīn Ẓafar Ibn Hubayra, was carried out dead from prison at about the same time (561/2), and Ibn Ḥamdūn, ʿAwn al-Dīn's assistant in the assessment of the *muqāṭaʿāt*, died in prison in 562. (4) This

(1) See particularly the biography by Ibn Khallikān, *Wafayāt*, Boulaq 1299 [1881], II, 326-333; tr. de Slane (*Ibn Khallikan's Biographical Dictionary*, London 1842-1871) IV, 114-128. *EI*[2] III, 802-803 (Makdisi). See also the brief notices of the Banū Hubayra in ʿImād al-Dīn Muḥammad al-Kātib al-Iṣbāhanī, *Kharīdat al-Qaṣr wa-Jarīdat al-ʿAṣr, al-Qism al-ʿIrāq*, ed. Muhammad Bahjat al-Atharī, Baghdad 1955, I, 96-122 ʿImād al-Dīn began his career under Ibn Hubayra.

(2) Ibn Khallikān II, 332; tr. de Slane IV, 124-125. Ibn al-Jawzī, *Muntaẓam* X, 216, claimed that Ibn Hubayra was poisoned by his own doctor, on the grounds that the illness came on too suddenly to be natural. The doctor died with the same symptoms six months later.

(3) In a *majlis* sponsored by ʿAḍud al-Dīn's son, Bahā' al-Dīn ʿUbayd Allah, for the reading of the Maqāmāt of Ḥarīrī, a certificate was written which gave ʿAḍud al-Dīn the following titles (dated: 20 Ramaḍān, 560): al-Ṣāḥib al-Kabīr al-ʿĀlim ʿAḍud al-Dīn Muʿizz al-Islām Fakhr al-Ayyām ʿImād al-Dawla Sharaf al-Milla Fakhr al-A'imma Murtaḍā 'l-Khilāfa Majd al-Mulūk wa 'l-Salāṭīn Jamāl al-Wazīr Abū 'l-Faraj Muḥammad. P. A. MacKay, *Certificates of Transmission*, Transactions of the American Philosophical Society, Vol. 61, part 4 (1971), fig. 17.

(4) ʿIzz al-Dīn—*Muntaẓam* X, 218-220; *Mir'āt* 163 (escape) and 166 (obituary

outright brutality seems to have been uncharacteristic of ʿAḍud al-Dīn, and it was certainly a miscalculation, since it took him further away from the coveted title. Al-Mustanjid now determined to liberate himself from the Banū Muẓaffar just as he had from the Banū Hubayra, and in 563 he called in a man who stood completely outside the family alliances of Baghdad, Sharaf al-Dīn Abū Jaʿfar Aḥmad Ibn al-Baladī, who had been serving in an administrative function in Wāsiṭ. (1)

Even in the obituary notices we can find little to remember in Ibn al-Baladī's favor. He and al-Mustanjid brought out the worst in each other, and the years between 563 and 566 were a reign of terror for all the principal families of Baghdad. It may well be that the magnates of Baghdad were mostly venal and self-interested, but Ibn al-Baladī's persecution of them can not, on that account, be raised to a question of principle. He was quite obviously a thug, and his activities created a rare unity of purpose among the various factions of the city. (2)

The center of the opposition was the Caliph's estranged son, the future Caliph al-Mustaḍīʾ. By late 565, both ʿAḍud al-Dīn for the city magnates on the one hand, and Quṭb al-Dīn Qaymāz al-Muqtafawī, the mamluk leader (Amīr al-ʿAskar) of the Turkish pretorians on the other, were in treasonable

notice—*Muntaẓam* X, 220, note 1). ʿIzz al-Dīn was Nāʾib al-Wāzīr for his father at the time of his father's sudden death, but was imprisoned immediately afterwards. Compare *Kharīda (ʿIrāq)* I, 100, note 5, and 101, note 1. Ibn al Ṭiqṭaqā, who rather favors ʿAḍud al-Dīn, (see below) pretends ignorance of ʿIzz al-Dīn's murder (Muḥammad b. ʿAlī b. Ṭabāṭabā Ibn al-Ṭiqṭaqā, *al-Fakhrī* [Beirut 1966, Dar Sader], p. 316; tr. E. Amar, *Archives Marocaines* XVI, Paris 1910, p. 542). Sharaf al-Dīn Ẓafar—*Muntaẓam* X, 220; *Kharīda (ʿIrāq)* I, 101; see also above.

(1) See the full list of references for Ibn al-Baladī in al-Dhahabī, *Al-Mukhtaṣar al-Muḥtāj ilayh min Taʾrīkh al-Ḥāfiẓ Abū ʿAbd Allah al-Dubaythī*, ed. from the autograph Ms. by Mustafa Jawad, Baghdad 1951, I, 203 (No. 403). There is a detailed description of Ibn al-Baladī's arrival in Baghdad in the appendix, pp. 39-40. See Sibṭ Ibn al-Taʿāwīdhī, *Dīwān*, No. 24, pp. 47-48; 86, pp. 138-141 and 129, p. 218 "Mā samiʿa 'l-nāsᵘ wa lā abṣarū: al'ama nafsᵃⁿ min Abī Jaʿfarⁱ." For a consideration of the extraordinary notion that the poet sought the patronage of Ibn al-Baladi (*EI*² III, 950 [Vadet]), see below.

(2) Note, for instance, the auctioning off of Ibn Hubayra's library, left in *waqf* to his madrasa. Y. Eche, *Les Bibliothèques Arabes*, Damascus 1967, 181-182.

correspondence with al-Mustaḍī'. In the first week of Rabī' II, 566, just as Qaymāz was about to be arrested, al-Mustanjid came down with a fever, and Qaymāz hastened his end by locking him in the hot room of a bath, cutting off the cold water, and parboiling him. In the same evening, al-Mustaḍī' called in Ibn al-Baladī, and presided over his dismemberment and execution. On Sunday, 9 Rabī' II, 566, al-Mustaḍī' received the allegiance of Baghdad as the new Caliph, and 'Aḍud al-Dīn was at last raised to the office of the Vizierate. To defray expenses, he was assigned the entire revenues from the *iqṭā'* that had previously belonged to Ibn Hubayra. 'Aḍud al-Dīn's son, 'Ubayd Allah, acquired the office and revenues of Ustādh al-Dār, and altered his *laqab* on this occasion from Bahā' al-Dīn to Kamāl al-Dīn. (1)

It is not easy to get a fair picture of 'Aḍud al-Dīn's first term of office. The historians Ibn al-Jawzī and Sibṭ Ibn al-Jawzī were inclined to take the least favorable view of him. Sibṭ Ibn al Jawzī in particular was moved by something more than party spirit. He was a *mawlā* of 'Awn al-Dīn Ibn Hubayra, since his father had been a *mamlūk* of 'Awn al-Dīn's,

(1) *Muntaẓam* X, 233; *Mir'āt* 177-178; *Kāmil* XI, 134-135. Ibn al-Furāt (*Ta'rīkh* IV,1 pp. 118-122) gives in traditional ḥadīth form a number of alternative versions of the story. I am inclined, in essentials, to follow Ibn Khallikān in preferring the account of Ibn al-Jawzī "since he was there at the time." Ibn al-Athīr and Ibn al-Furāt relate a touching anecdote that 'Aḍud al-Dīn searched Ibn al-Baladī's correspondence and found a letter from al-Mustanjid demanding his execution, with an endorsement by Ibn al-Baladī advising against it. 'Aḍud al-Dīn, seeing this, is supposed to have regretted his cruelty, and wished that he had spared Ibn al-Baladī. I doubt it. There was more than party interest involved. In 564 or 565, Ibn al-Baladī submitted two brothers 'Izz al-Dawla Abū 'l-Muẓaffar al-Ḥusayn b. Muḥammad Ibn al-Sībī and Fakhr al-Dawla Abū 'Abd Allah al-Ḥasan b. Muḥammad Ibn al-Sībī (the names are constantly confused and intermingled in the sources, [e. g. *Kharīda ('Iraq)* I, 185], but Ibn al-Athīr, *Kāmil* XI, 131 makes it clear that there were two, and the names as given here will probably best explain the confusion.) to the torture, and had an arm and a leg cut off Abū 'l-Muẓaffar (references as above, and *Muntaẓam* X, 231). In addition to the two brothers, their mother was disfigured by Ibn al-Baladī (*Kāmil* XI, 131) and she was 'Aḍud al-Dīn's father's sister. The vengeance against Ibn al-Baladī, for which see also Ibn Khallikān II, 26-27; tr. de Slane III, 164-166, was directly related to his treatment of Ibn al-Sībī (the name is incorrectly given as al-Bustī in Ibn Khallikān). The family probably derives from al-Muqtafī's tutor in Adab, 'Abd al-Wahhāb Ibn al-Sībī, *Muntaẓam* IX, 167, and see also Aḥmad b. 'Abd al-Wahhāb, *Muntaẓam* IX, 219.

and despite his conversion away from Hanbalism, he retained a personal loyalty to the memory of the Banū Hubayra, and was disinclined to favor the memory of the man who had killed Ibn Hubayra's sons. On the other hand, the Shafeite Ibn al-Dubaythī saw a great deal of good in ʿAḍud al-Dīn, and Ibn al-Ṭiqṭaqā says that, against all expectations, ʿAḍud al-Dīn was a judicious and admirable Vizier. (1)

The events of the next year in large part speak for themselves. First off, the prisons were emptied. Ibn al-Baladī had filled them to bursting, and the occupants were often from the highest levels of Baghdad society. Soon after, as part of the usual alleviation of taxes in honor of a new Caliph, the traditional rates of taxation were restored. This presumably involved the cancellation of Ibn Hubayra's special ruling discussed above. Ibn al-Jawzī says merely that *mukūs* taxes were cancelled, but Ibn al-Furāt, with his specific reference to *muqāṭaʿāt* (see p. 35, n. 1, above) carries the question back to Ibn Hubayra. The non-Hanbalite learned class began to gain in position. Ibn al-Jawzī notes especially that the Qāḍī Abū 'l-Maḥāsin ʿUmar b. ʿAlī al-Qurashī (525-575) was given the jurisdiction of Nahr al-Muʿallā, and we know that Abū 'l-Maḥasin had acted as a polemicist against the Hanbalites, and was a particular protegé of ʿAḍud al-Dīn. (2) Ibn al-Ṭiqṭaqā's favorable remarks on the new Vizierate stem from an extremely personal interest. ʿAḍud al-Dīn paid especial attention to the perquisites appropriate for families of Alid descent, and the parents of Ibn al-Ṭiqṭaqā would have been among the beneficiaries of this devout generosity. In this context, we may also note ʿAḍud al-Dīn's association with the Banū Muṭṭalib, one of the principal Alid families.

(1) Al-Dhahabī, *Mukhtaṣar* I, 55-58; *Fakhrī*, p. 319; tr. Amar, p. 547. Ibn al-Ṭiqṭaqā's reservations quite obviously stem from the evidence of ʿAḍud al-Dīn's excessive ambition in the murder of the Banū Hubayra, but Ibn al-Ṭiqṭaqā is too solicitous of ʿAḍud al-Dīn's reputation to bring that subject up. His, we shall see, is a very partisan judgement.

(2) *Muntaẓam* X, 208, and 233. ʿUmar al-Qurashī's name gives a good test of the selectivity of party history. He is hardly ever mentioned by Ibn al-Jawzī but he appears constantly in al-Dubaythī. In al-Dhahabī's *Mukhtaṣar*, the name ʿUmar al-Qurashī appears on every second page.

Near the end of ʿAḍud al-Dīn's first year of office came an extremely auspicious event. On 22 Muḥarram 567, an embassy arrived from Nūr al-Dīn b. Zengī, announcing the collapse of the Fatimid Caliphate and the reinstitution of the Abbasid *khuṭba* in Egypt. ʿAḍud al-Dīn had no direct part in this achievement, of course, but he made the best of it in a spectacular celebration. His reputation, and his office, might well at that moment have seemed secure. (1)

His erstwhile ally, however, the Turkish Amīr al-ʿAskar Qaymāz, was far from satisfied with the situation. He had not murdered al-Mustanjid for the sole advantage of the Banū Muẓaffar. Over the next few months he worked for his own part to isolate al-Mustaḍīʾ in the Caliphal palace, and to intensify his influence, so that on 12 Shawwāl, 567 the Caliph finally wrote out a notice of ʿAḍud al-Dīn's dismissal from the Vizierate, and had it delivered to the Vizier's palace by the *khādim*, Najāḥ. (2) To emphasize the disgrace, another *khādim*, Ṣandal al-Muqtafawī, was instructed to pillage the palace, and was given the office of Ustādh al-Dār in place of Kamāl al-Dīn ʿUbayd Allah Ibn al-Muẓaffar. Sibṭ Ibn al-Jawzī says that it was Kamāl al-Dīn's tenure of this latter office that was really at issue, "the cause of it (the dismissal) was Kamāl al-Dīn, a monster of iniquity." (3) Kamāl al-Dīn's character may indeed have been bad, but it will be obvious that it was pointless to remove ʿAḍud al-Dīn from the vizierate and leave his son in a position that would necessarily bring him into

(1) *Muntaẓam* X, 237; *Kāmil* XI, 138-139. Compare N. Elisséeff, *Nūr ad-Dīn* (Damascus 1967) II, 669, (ʿAḍud al-Dīn, not al-Dawla as printed, and the *khādim* Ṣandal, who headed the Caliph's embassy to Nūr al-Dīn, was not yet Ustādh al-Dār. His elevation does not come until the end of 567.)

(2) This was probably the Najāḥ who was taken captive in the siege of Tikrīt, along with Sharaf al-Dīn Ẓafar b. Yaḥyā Ibn Hubayra (p. 32, n. 2, above and *Muntaẓam* X, 152.) The name is common, but this Najāḥ would be a particularly appropriate messenger. The isolation of the Caliph is noted succinctly in a brief passage by al-Dhahabī, *al-ʿIbar fī Khabar man Ghabar*, ed. Salāḥ al-Dīn Munajjed, Vol. IV, Kuwait 1963, 192, "lam yadkhul ilayh ghayr Qaymāz."

(3) *Mirʾāt*, 178. Sibṭ Ibn al-Jawzī lingers in satisfaction over the picture of Kamāl al-Dīn ("the lion of the Banū Muẓaffar") sitting speechless as he watched Ṣandal loot his possessions. The passage is a vivid reminder of Sibṭ Ibn al-Jawzī's dislike of the Banū Muẓaffar.

close association with the Caliph. The Vizierate was given to Za'īm al-Dīn Abū 'l-Faḍl Yaḥyā b. 'Ubayd Allah Ibn Ja'far (567 to his death in 570). Yaḥyā Ibn Ja'far had occupied various offices under Ibn Hubayra, and had risen to the post of Treasurer. He continued in that office under Ibn al-Baladī. As Vizier he seems to have been completely under the direction of Qaymāz, and he was entirely unsatisfactory to the Caliph, who was soon importuning helplessly for the restoration of 'Aḍud al-Dīn. For the moment, however, Qaymāz was as absolute a dictator as Ibn Hubayra had ever been—muqaddam 'alā 'l-kull, is Ibn al-Jawzī's vivid phrase. (1)

In spite of his deposition, 'Aḍud al-Dīn retained his life and freedom, and was able to rebuild his influence. He moved with circumspection for two years or so until he could assure himself that he had the popular support he needed. The wide attendance at a circumcision feast for his son, Niẓām al-Dīn Abū 'l-Ḥasan 'Abd Allah, seems to have been the sign he waited for, and in the following months he made secret arrangements whose outline can just be apprehended in Ibn al-Jawzī's annals. The maturing of his plans was probably hurried on by the death on 19 Rabī' I, 570, of Za'īm al-Dīn Yaḥyā, which left the Vizierate open for 'Aḍud al-Dīn's return. (2)

On the evening of Saturday, 11 Jumāda I, 570, a tumult broke out in the countryside near Baghdad. Troops were called to arms, but there was no clear indication what the trouble was. The tumult spread to the city, however, and the

(1) *Muntaẓam* X, 237-238, and note 1=*Mir'āt*, 178 (cf. *obit. Muntaẓam* X, 255-256); *Kāmil* XI, 140. Ibn Ja'far held the post of Treasurer more or less continuously from the year 544, and was sometimes deputized as Ṣāḥib al-Dīwān during that period. In 558, he was arrested and imprisoned in the palace of 'Aḍud al-Dīn for a short time (*Muntaẓam* X, 205), but he must have been freed soon after. He was in office again at the time of al-Mustanjid's accession (*Muntaẓam* X, 256, obituary notice). He is usually fairly well spoken of, but an anonymous poet quoted by Ibn Khallikān treats him as a synthesis of all vices. *Wafayāt* II, 332; tr. de Slane, IV, 126.

(2) The circumcision feast was some time in 569, *Muntaẓam* X, 243; Sibṭ Ibn al-Ta'āwīdhī, *Dīwān*, No. 114, pp. 197-201 (the date given here is 568). I use the word "popular" with its full connotations. It will be seen in the following narrative that one of the assets of the magnate party was their ability to manipulate the city mob, the *'Āmma*.

gates between the outer city and Dār al-Khilāfa were locked for security. Bands of rioters and troops of patrolling horsemen were on the move all night, and still there was nothing but unfounded speculation about the matter. All through the daylight hours, Bāb al-'Āmma and Bāb al-Nūbī, the main gates into Dār al-Khilāfa from the south and east, remained closed, except for a brief period when Bāb al-Nūbī was opened surreptitiously and a group of men entered. (1) This infiltration was kept secret until near the end of the day, when Ustādh al-Dār Ṣandal got wind of it, at which he ordered 'Aḍud al-Dīn to present himself immediately. This gives us the first clear indication of what was behind the disturbances, and the matter became even clearer in the next hours.

'Aḍud al-Dīn replied to the summons in an unexpected manner. He appeared in a fresh change of clothing, and went pointedly past Ṣandal into where the Dīwān was in session. News of this was brought to Qaymāz, who gave orders that the gates should be kept shut all through Sunday, and then went hastily to the Dīwān. Here he brought the confrontation to a head. "There will be no peace in Baghdad until that man and his sons leave it. He is my enemy, and if he regains the Vizierate, he will kill me." The Dīwān obediently ruled that 'Aḍud al-Dīn and his family must leave Baghdad, but 'Aḍud al-Dīn answered that it was clearly Qaymāz's intention to kill him as soon as he got away from the city, and, that being the case, he had rather be killed in his own home. The sentence was therefore altered, and though the Dīwān seems to have accepted the implicit condemnation to death, it granted that 'Aḍud al-Dīn might await execution in Baghdad. 'Aḍud al-Dīn then asked the privilege of spending some time in pious offices, attended by Fakhr al-Dawla Abū 'l-Muẓaffar al-Ḥasan

(1) *Muntaẓam* X, 250-251. Bāb al-'Āmma and Bāb al-Nūbī were the only gates that were regularly opened at any time, and we may take it as understood, though Ibn al-Jawzī does not say so, that all the remaining gates to Dār al-Khilāfa were locked. Ibn al-Athīr confirms this, saying that Dār al-Khilāfa was put into a state of siege—"ka 'l-muḥāṣara," *Kāmil* XI, 154. For the topography of Baghdad, see the invaluable study by Mustafa Jawad and Ahmad Susa, *Dalīl khāriṭat Baghdād*, Baghdad 1958.

b. Hibat Allah Ibn al-Muṭṭalib, the Resident at the shrine of ʿAlī, and by Ṣadr al-Dīn Abū 'l-Qāsim ʿAbd al-Raḥīm b. Ismāʿīl b. Abū Saʿd al-Nīsābūrī, the Shaykh al-Shuyūkh of Baghdad. This was granted, and ʿAḍud al-Dīn proceeded with these companions to the *Ribāṭ* of Abū Saʿd al-Nīsābūrī, just outside the western gate of Dār al-Khilāfa, near the Niẓāmīya Madrasa. Here they locked themselves in, admitting only those who were clearly of ʿAḍud al-Dīn's party. Affairs were now at a stalemate, since Qaymāz was unwilling or unable to attack the *ribāṭ*. (1)

Things had, on the whole, been going against Qaymāz from the beginning of the year. On 1 Muḥarram, al-Mustaḍī' had broken his long seclusion, and had taken a public route to the Caliphal *maqṣūra* in Jāmiʿ al-Qaṣr for the Friday prayer. (2) The direct cause of this was the floods of the previous year, which had blocked up the subterranean passage normally used, but the result was to liberate the Caliph from total dependence on Qaymāz. Another change, which is harder to relate precisely to the decline of Qaymāz's power, but which certainly favored the old magnate families of Baghdad, was the restoration of the Hanafite Abū 'l-Ḥasan ʿAlī b. Aḥmad Ibn al-Dāmaghānī to the office of Qāḍī 'l-Quḍāt, from which ʿAwn al-Dīn Ibn Hubayra had removed him 15 years earlier, in the wave of depositions and destitutions at the beginning of al-Mustanjid's reign. Ibn Hubayra had taken especial pains at the time to emphasize the Qāḍī's disgrace, and his ultimate restoration, however it was achieved, was linked by more than coincidence with the fall of Qaymāz. Qaymāz, Najāḥ and Ṣandal had all begun their careers under the regime of Ibn Hubayra, who was

(1) Fakhr al-Dawla Ibn al-Muṭṭalib (491-578) was the son of the Vizier of the year 501. His brother held the office of Ustādh al-Dār in the first quarter of the 6th century (p. 28, n. 1, above). Fakhr al-Dawla founded the Fakhrīya madrasa with its extensive library, as noted in Y. Eche, *Les Bibliothèques Arabes*, Damascus 1967, 182, note 4 (not, as in the text, the relatively obscure Fakhr al-Zamān, who died in 544); Kāmil XI, 185; Ibn al-Fuwaṭī, *Talkhīṣ Majmaʿ al-Ādāb*, Vol. IV, 3, Baghdad 1965, 155-157. Ṣadr al-Dīn ʿAbd al-Raḥīm b. Ismāʿīl b. Abū Saʿd was the third of his line to hold the title Shaykh al-Shuyūkh of Baghdad, which seems to go with the direction of the *Ribāṭ* of Abū Saʿd. *Kāmil* XI, 192.

(2) *Muntaẓam* X, 249.

inclined to make use, when he could, of men with no family connections in order to maintain his independence from the Baghdad magnates. By association therefore, even if not by doctrinal conviction, they were the political supporters of Hanbalism in Baghdad. Of the two Baghdādī Arabs who were kept in high office under Qaymāz, the treasurer Ẓahīr al-Dīn Abū Bakr Manṣūr b. Naṣr Ibn al-ʿAṭṭār (d. 575, see below for details of his career) was certainly a Hanbalite, though his *madhhab* is not explicitly given, since he was in no sense a *faqīh*. There is no compelling circumstantial evidence for Zaʿīm al-Dīn Ibn Jaʿfar's *madhhab*, but it is more likely than not that he was also a Hanbalite. Finally, we may notice that Hanbalite sources give a remarkably favorable judgement on Qaymāz ("a man of considerable nobility and restrained in the doing of evil"), considering the fact that he had murdered a Caliph. (1)

If the dictatorship of Qaymāz favored the Hanbalites, the year 570 marked a decline in their fortunes, and Ibn al-Jawzī, despite his satisfaction with his own personal triumphs, confirmed this in his account of the year. He began a series of sermons, whose popular reception he may well exaggerate in his self-satisfied account of them, but though he stresses the size and enthusiasm of his audience in the account in *al-Muntaẓam*, he admitted to his grandson that he knew the day for absolute Hanbalite triumphs had passed. Recalling these sermons, he said, "Even if Aḥmad (Ibn Ḥanbal) and Ibn Hubayra had never lived, I should not have changed my *madhhab*, and yet I knew then, that if I had been a Shafeite or a Hanafite, the populace would have made me their leader." (2)

(1) *Shadharāt al-Dhahab* IV, 238.

(2) *Muntaẓam* X, 251-253, and p. 30, n. 1 = *Mirʾāt*, 206. H. Laoust, "Le Hanbalisme sous le Califat de Bagdad," *Revue des Études Islamiques* 27 (1959) 67-128, describes this very period as representing for Hanbalism a time "de l'influence la plus grande et d'une véritable prééminence (p. 113)." This is probably extending Ibn al-Jawzī's personal successes too far. The political support for Ibn al-Jawzī's position came from Qaymāz in the late 560s, and from Ibn al-ʿAṭṭār in the early 570s. Neither of these allies could rank with Ibn Hubayra in the capacity to achieve a stable regime, and the association of Ibn al-Jawzī with Ibn al-ʿAṭṭār is questionable, if not downright sinister (see below). It is quite

In the aftermath of the scene in the Dīwān, Qaymāz had an audience with the Caliph to apologize for his action in locking the gates, and to ask for an edict in the Caliph's hand that would at least require ʿAḍud al-Dīn to remove to the west bank suburbs of Baghdad. His eventual success in this one matter could hardly disguise the fact that his power was rapidly fading. On 22 Jumāda I, ʿAḍud al-Dīn's party left the ribāṭ of Abū Saʿd and crossed to the west bank of the Tigris, to reside briefly in a house in the district of Qaṭuftā, but on 7 Jumāda II, they ostentatiously crossed back, and in a remarkable display of confidence, dispersed to their homes. (1)

The magnates continued during the year to gather support quite openly, and with the connivance of the Caliph. A festival held in the month of Rajab seems to have been an advertisement of confident defiance, and may also have been used as an occasion to purchase the loyalties of the city populace through distributions of money. (2) By the end of the year only a pretext was needed to move against Qaymāz, and that was readily found. His brother-in-law, the Amīr Tutāmish, had engaged in, or at very least permitted, systematic extortion in the irrigated lands outside Baghdad for some time. As Qaymāz weakened, and the possibility of relief became apparent to the cultivators, they organized a demonstration that came into the center of Baghdad in the month of Shawwāl, and interrupted the Friday prayer and the *khuṭba*. In the recriminations over this incident, Qaymāz lost his principal remaining ally, the Treasurer, Abū Bakr Manṣūr Ibn al-ʿAṭṭār, and in a desperate and ill-conceived fury, permitted a party of his supporters to set fire to Ibn al-ʿAṭṭār's house. On 5 Dhū 'l-Qaʿda, Qaymāz sent to arrest the Treasurer, but he escaped,

possible that the Caliph al-Mustaḍīʾ had a personal liking for Ibn al-Jawzī. It is also pretty clear that he was disinclined, once he had escaped Qaymāz, to make himself excessively dependent on any party. Favors shown to Hanbalites were matched by favors shown to other schools, and Laoust, loc. cit. note 296, quotes Ibn Rajab's remark that even Shiʿism remained powerful. Ibn al-Ṭiqṭaqā says that when ʿAḍud al-Dīn was restored, he continued a policy of special favor to the Alids.

(1) *Muntaẓam* X, 252; *Kāmil* XI, 154.

(2) *Muntaẓam* X, 252.

and no doubt from some safe part of Dār al-Khilāfa issued his own summons to Qaymāz. Qaymāz's public refusal to obey a summons from the Caliphal palace brought an end to his authority. His emirs split up into factions, some of them supporting Qaymāz and others loyal either to the Caliph or to what appeared to be the victorious party. That evening, a crowd armed with bottles full of naphtha advanced on Qaymāz' residence, and he slipped out secretly from Baghdad to gather his remaining followers somewhere north of the city. The mob then broke into the houses of all those who had left Baghdad and stripped them. (1)

On 23 Dhū 'l-Qa'da, 'Aḍud al-Dīn was officially reinstalled as Vizier, and called a session of the Dīwān to pronounce sentence on Qaymāz. He was declared a renegade and deserter, but it was hardly necessary, since the news came on the 27th that he and many of his companions had died, of what causes, it is not known. Early in the next year, 'Aḍud al-Dīn had the satisfaction of arresting Ṣandal, but Kamāl al-Dīn 'Ubayd Allah was not restored to the office of Ustādh al-Dār, which was assigned to Majd al-Dīn Abū 'l-Faḍl Hibat Allah b. 'Alī b. Hibat Allah Ibn al-Sāḥib. Ibn al-'Aṭṭār retained the treasury. The Ḥājib al-Bāb, Ibn al-Wakīl, was raised to the post of Ṣāḥib al-Dīwān, and the post of Ḥājib was given to Abū Ṭālib Naṣr b. 'Alī al-Nāqid (=assayer of coinage at the treasury?). This last appointment was unpopular, and the Baghdad populace managed soon to drive Ibn al-Nāqid out of office by a campaign of ridicule. The next Ḥājib al-Bāb was Abū Sa'd Muḥammad b. Abū Naṣr 'Abd Allah Ibn al-Mu'awwaj, appointed late in the year 571. (2)

(1) *Muntaẓam* X, 253-254; *Kāmil* XI, 160-161; Sibṭ Ibn al-Ta'āwīdhī, *Dīwān*, No. 4, pp. 12-13, No. 107, pp. 173-174.

(2) *Muntaẓam* X, 254 and 256-259; *Kāmil* XI, 163-164; Sibṭ Ibn al-Ta'āwīdhī, *Dīwān*, No. 199, pp. 296-298. Ibn al-Ṣāḥib became the chief minister of the Caliph al-Nāṣir in 575 (deputized to the vizierate while still Ustādh al-Dār, and perhaps never formally installed as Vizier). He too held the post of Ḥājib al-Bāb for a very brief time after Ibn al-Wakīl was made Ṣāhib al-Dīwān and before the arrest of Ṣandal—that is from Dhū'l-Ḥijja 570 to Ṣafar 571. Ibn al-Wakīl I have not been able to trace as yet. The campaign against Ibn al-Nāqid made use of his nickname, Qunbur—the lark. The crowd would shout this name at him

The triumph of the magnates was at last complete. For the moment, no external power threatened their ascendancy. But the consolidation of their position depended on a quality of patient cooperation and good-will that was always in short supply in Baghdad. The weak spot in the administrative "cabinet" of 571 was the Treasurer, Ibn al-'Aṭṭār. His family was quite new to Baghdad. His father, Abū 'l-Qāsim Naṣr b. Manṣūr al-'Aṭṭār (484—553) had immigrated as a merchant from Ḥarrān, and had established a considerable reputation for pious works, probably in association with the Hanbalite *madhhab*. (Ḥarrān seems to have had a particularly active Hanbalite school at this time.) Naṣr's son, Abū Bakr Manṣūr known as Ibn al-'Aṭṭār entered government service in 567 as Mushrif al-Makhzan, and it was immediately evident that he had an ambitious eye on the Treasurer's position. (1) The coup under Qaymāz eased his way considerably, since the promotion of Za'īm al-Dīn Ibn Ja'far from the treasury to the vizierate left Abū Bakr Manṣūr the natural candidate for Treasurer. It seems to be at this time that he took the *laqab* Ẓahīr al-Dīn. In the distribution of offices in 571, Ẓahīr al-Dīn Ibn al-'Aṭṭār retained the treasury, but he was now looking towards the vizierate, as impatiently as 'Aḍud al-Dīn before him.

Late in 573, apparently in the aftermath of a difference of opinion with the Caliph, the Vizier 'Aḍud al-Dīn started out on the pilgrimage with a spectacular procession, including 600 camels for his own party alone. He was accompanied by the Ḥājib al-Bāb, Ibn al-Mu'awwaj, and by the Amīr Tutāmish, the brother-in-law of Qaymāz, who had returned to Baghdad with a full pardon from the Caliph (though it is noted that he was not provided, this time, with an *iqṭā'*). On Tuesday,

whenever he passed through the streets. For the procession on the Great Festival, the Caliph had assigned him a guard of Turkish police, but it was learned that the people of Baghdad had bought large numbers of larks, and planned to set them free into the procession. Al-Mustaḍī' finally decided that he could not retain a Ḥājib who was a public laughing-stock, and removed him. For Ibn al-Mu'awwaj, see *Muntaẓam* X, 282 and Dhahabī, *Mukhtaṣar* I, 58.

(1) *Muntaẓam* X, 235.

4 Dhū 'l-Qa'da, the party crossed the Tigris and proceeded through the western suburbs to the Qaṭuftā gate. Here the Vizier was approached by a petitioner, who stabbed him as soon as he got within reach. Ibn al-Mu'awwaj tried to defend the Vizier with his own body, but received a fatal wound himself. Three assailants were caught and killed in the next hour or so, before they could give information, and a native of Qaṭuftā was found, who said that he had seen all three in a local mosque, saying over each other the last prayers for the dead. This was taken as evidence that the assassins were Ismā'īlīs, and that has remained the official and generally accepted version of the event to the present day. (1)

Sibṭ Ibn al-Jawzī, however, after giving the official account of the assassination adds :

"There are others who say that Ibn al-'Aṭṭār set the Ismā'īlīs onto 'Aḍud al-Dīn, and this is manifestly the truth. My father, may God have mercy on him, told me, 'I was present at a *majlis* at the house of Ibn al-'Aṭṭār, the Ṣāḥib al-Makhzan, on that day, and he began asking me, "What time has it got to now, Ḥusām al-Dīn?" He was very nervous, and kept getting up and sitting down again. When the news of the assassination finally came, he stood up and addressed us, saying, "God is great. Vengeance for Ẓafar. Vengeance for 'Izz al-Dīn.'

'By these he meant the sons of Ibn Hubayra, for they had both been killed in the days of ['Aḍud al-Dīn] Ibn Ra'īs al-Ru'asā'—And my father said further, 'I accompanied the Ṣāḥib al-Makhzan to the ceremony of mourning for 'Aḍud al-Dīn, and there he expressed his condolences to the family, and kept saying, "May God bring the man who killed your father to an evil end, and make a horrible example of him." But that was as good as saying, May God bring Ibn al-'Aṭṭār to an evil end, and make a horrible example of him.' We shall give an account of how that happened below." (2)

(1) *Muntaẓam* X, 273-274; *Kāmil* XI, 169; *Fakhrī*, p. 321; tr. Amar, pp. 549-551; Dhahabī, *Mukhtaṣar*, I, 57-58.

(2) *Mir'āt*, 220-221. On page 222, he quotes the words of al-Qāḍī al-Fāḍil, the Vizier of Ṣalāḥ al-Dīn, when the news reached Damascus. There, there is no circumlocution about 'Aḍud al-Dīn's own crime, "God have mercy on him, he

The accusation is explicit and convincing, all the more so when we consider the source. The story comes by direct oral *riwāya*, in the form, that is, that would give it full value as legal evidence. It comes, moreover, from Ḥusām al-Dīn Qizoglu, a freedman *mamlūk* of ʿAwn al-Dīn Ibn Hubayra, and lastly, it is recorded by the grandson of a close associate of Ibn al-ʿAṭṭār.

We should hardly expect in any case that Ibn al-Jawzī would break his habit of caution and incorporate a specific accusation about the assassination into the text of *al-Muntaẓam*, but his silence is explained by more than caution alone. In the year 574, following the assassination, when Ibn al-Jawzī reached what has been termed "l'apogée de la situation personnelle," his good fortune was largely owing to the direct support of Ẓahīr al-Dīn Ibn al-ʿAṭṭār. In the last pages of *al-Muntaẓam* it is abundantly clear that Ẓahīr al-Dīn was Ibn al-Jawzī's chief patron. In 571, when Ibn al-Jawzī became the one Hanbalite in an exclusive board of three preachers, one from each active *madhhab* in Baghdad, it was Ibn al-ʿAṭṭār who proposed his name to the Caliph. In 572, the *majlis*, at which Ibn al-Jawzī tells us he astounded both the populace and the Caliph himself by a display of pious eloquence and erudition, was held at the house of Ibn al-ʿAṭṭār. In 573, Ibn al-Jawzī speaks as if it were habitual of "my *majlis* at the house of Ibn al-ʿAṭṭār." In 574, if Ibn al-Jawzī was at the peak of his influence, he owed his success in large part to Ibn al-ʿAṭṭār, who was now deputized to the powers of the Vizierate, although the Caliph seems to have shrunk from giving him the full investiture. (1)

In consideration of these favors and benefits, it would have

killed the sons of the Vizier Ibn Hubayra." (For the meaningless "tārāt ṭayr," of the manuscript, I have read "tha'rāt Ẓafar.")

(1) 571—*Muntaẓam* X, 258-259; *majlis* of 572—264-265; *majlis* of 573—272; Ibn al-ʿAṭṭār deputized to the Vizierate—275. Position of Ibn al-Jawzī—Laoust, "Le Hanbalisme," *REI* 27 (1959) 114. G. Makdisi, "Ashʿarī and the Ashʿarites," *Studia Islamica*, fasc. XVII, 37-80, and XVIII, 19-39, has shown the dangers of estimating the power of the Ashʿarites from Ashʿarite sources. The same caution holds for the Hanbalites. Laoust quotes Ibn Rajab for this period, but Ibn Rajab is virtually quoting *al-Muntaẓam*, in which Ibn al-Jawzī is far from modest about his own accomplishments.

been graceless of Ibn al-Jawzī to add to his account of the assassination his undoubted knowledge that it was Ibn al-ʿAṭṭār who had hired the so-called Ismāʿīlīs. One trusts, however, that the knowledge made him a bit uneasy. He does remark that all the dignitaries of Baghdad except Ibn al-ʿAṭṭār came out as the procession began, to wish the Vizier a good journey, and this may be a gesture in the direction of the truth. Indeed, whatever his intentions, not even Ibn al-Jawzī could turn Ibn al-ʿAṭṭār into an attractive figure, and one wonders how he would have handled the problem of the obituary notice. By ending his annals in 574, just before the accession of the Caliph al-Nāṣir, (once again showing his cautious discretion), he avoided the difficulty, and was able to celebrate the family rather than the man in his obituary for Ibn al-ʿAṭṭār's sister Fāṭima. (1) For Ibn al-ʿAṭṭār himself, Sibṭ Ibn al-Jawzī and Ibn al-Ṭiqṭaqā give the rest of the story. The Caliph al-Nāṣir kept him on as deputy Vizier for seven days after his accession, then imprisoned him, and shortly after, had him killed. Sibṭ Ibn al-Jawzī says that the marks of severe beating were quite evident on the body when it was released from the prison. It was prepared for burial in the house of one of his sisters, but she, providentially for her, was unable to accompany it as it was taken out to be buried near the tomb of Aḥmad Ibn Ḥanbal. The pall-bearers, after passing through an increasingly hostile crowd to the entrance of the cemetery, dropped the coffin outside the gate and fled, while the crowd proceeded with the mutilation and desecration of the body. The popular fury against Ibn al-ʿAṭṭār was provoked by many other actions of his as well, but also, it would seem, by the desire to avenge ʿAḍud al-Dīn. Sibṭ Ibn al-Jawzī notes that ʿAḍud al-Dīn was a particular favorite of the Baghdad populace. (2)

The official class of Baghdad must have been well aware of Ibn al-ʿAṭṭār's part in the murder, but for them there was

(1) *Muntaẓam* X, 279.

(2) *Mir'āt*, 228-229; *Fakhrī*, p. 324; tr. Amar, pp. 554-555. Popularity of ʿAḍud al-Dīn, *Mir'āt*, 220, "li'annahu kān muḥsinᵃⁿ ilayhim bi-mālih."

a far more serious question of the Caliph's possible complicity. They knew that there had been differences between the Caliph and his Vizier, and they waited to see what the Caliph's official attitude would be. The funeral, on the day following the assassination, was public, and suited to the dignity of a Vizier. On the next day, however, the Banū Muẓaffar, on instructions from the Caliph, sat in 'Aḍud al-Dīn's house to receive condolences. No one came. Al-Mustaḍī' had apparently reassured the Banū Muẓaffar by letter, but he did so privately, and the rest of Baghdad took no guidance from this. All through Friday, Saturday and Sunday, no one dared to approach the house. Even the cautious Ibn al-Jawzī gives away the secret at this point, "The total slight to the memory of 'Aḍud al-Dīn caused much surprise, since any ordinary merchant would have received more recognition, but the reason why everyone stayed away was simply to placate the Treasurer, Ibn al-'Aṭṭār, who had been at odds with 'Aḍud al-Dīn." (1) It was not until the following morning that a deputation of scholars from the Niẓāmīya madrasa appeared to bring consolation to the mourners. They found that the Banū Muẓaffar were no longer receiving, and it is likely that they were, in fact, making plans for their escape from Baghdad. On this day, the Caliph was finally informed of what had been happening, and at last, on Tuesday, 11 Dhū 'l-Qa'da. a week after the assassination, he sent a deputation of the chief men of state to represent him to the family. It was probably on this occasion that Ibn al-'Aṭṭār pronounced the fateful curse against himself.

At this evidence of the Caliph's independence (or possibly change of heart), the Banū Muẓaffar were reasurred, while Ibn al-'Aṭṭār began to fear that he had overreached himself. On 12 Dhū 'l-Qa'da, therefore, to take the interest away from himself, he arrested Tutāmish, on the plausible grounds that it might have been Tutāmish, out of a lingering desire for vengeance after the events of 570, who had made the arrangements

(1) *Muntaẓam* X, 274. Note that one of the points of difference was Ibn al-'Aṭṭār's attempt to attack the Qāḍī 'l-Quḍāt Ibn al-Dāmaghānī through his brother, Abū 'l-Muẓaffar al-Ḥusayn, *Muntaẓam* X, 269-270.

with the so-called Ismā'īlīs. The most important result of this arrest was to persuade those who were still uneasy, that the Caliph, at least, was not the instigator of the murder. (1) The Vizierate remained vacant for almost a month longer, until the day of the 'Īd, 10 Dhū 'l-Ḥijja, when Ibn al-'Aṭṭār was deputized to the position while retaining the office of Treasurer.

* * *

'Aḍud al-Dīn, as befitted an Arab aristocrat, cultivated a reputation for generosity and patronage throughout Baghdad society. Ibn al-Ṭiqṭaqā speaks enthusiastically of his magnificence in office, and we have seen repeated evidence of his popularity with the Baghdad populace. (2) He was also a man of culture in a family of considerable literary talent. One of the great libraries of Baghdad was founded by him, and Ibn al-Athīr makes especial note of his palace, al-Dār al-'Aḍudīya as a literary gathering place in Baghdad. (3) The particular ornament of this salon was the poet, Sibṭ Ibn al-Ta'āwīdhī, the son of Nūshtegīn ('Abd Allah), a *mamlūk* of the Banū Muẓaffar. A substantial portion of the *Dīwān* of Sibṭ Ibn al-Ta'āwīdhī is dedicated to the Banū Muẓaffar, and several refinements on the above history could be gleaned from this poetry. It is curious that in the recent article on Sibṭ Ibn al-Ta'āwīdhī in the *Encyclopaedia of Islam*, the Banū Muẓaffar are never mentioned, and it is suggested that the poet's first attempt to find a patron was addressed to Ibn al-Baladī. Of all the major figures in the history of Baghdad in the later 6th century, Ibn al-Baladī is the least likely to have been chosen by this poet as a patron. It is true that Sibṭ Ibn al-Ta'āwīdhī's loyalties were not absolute. He tried to make up relations

(1) A dubious argument but so says Ibn al-Jawzī. *Muntaẓam* X, 274. Tutāmish was kept under guard in the house of Ibn al-'Aṭṭār, and was released unharmed on 11 Jumādā I of the following year. He died in 584, and was buried near the shrine of al-Ḥasan, *Kāmil* XII, 11.

(2) *Fakhrī*, pp. 319-321; tr. Amar, pp. 546-551, and p. 50, n. 2, above.

(3) Y. Eche, *Les Bibliothèques*, 185, the library al-Zaydī. Al-Dār al-'Aḍudīya—*Kāmil* XI, 169; also mentioned in the *samā'* referred to on page 36, above.

with the Amīr Ṣandal some time after 573, and in later life produced a remarkably ungracious epigram on his years of association with the Banū Muẓaffar, but during the years of Ibn al-Baladī's Vizierate, there is no indication that Sibṭ Ibn al-Ta'āwīdhī was anything but loyal to the Banū Muẓaffar. (1)

'Aḍud al-Dīn's family were the founders of at least two Sufi *ribāṭs*, one inside and one outside Dār al-Khilāfa, and he himself was closely associated with the *ribāṭ* of Abū Sa'd al-Nīsāburī. Since this particular institution had leanings in the direction of Ash'arism, this may indicate something of 'Aḍud al-Dīn's doctrinal leanings. He was buried, however, at the *ribāṭ* of al-Zawzanī, beside his father. (2)

In the wake of 'Aḍud al-Dīn's assassination, the power of the Banū Muẓaffar was dissipated. There was no question of a family succession to the Vizierate. 'Aḍud al-Dīn's eldest son, Kamāl al-Dīn 'Ubayd Allah, had apparently so discredited himself in 566-567 that he received no further posts, and he simply drops out of sight. Ibn al-Dubaythī puts his death in the year 576. Two of Kamāl al-Dīn's younger brothers, Abū Manṣūr al-Faraj, and Abū 'l-Ḥasan 'Abd Allah, probably died early. They are celebrated in several poems by Sibṭ Ibn al-Ta'āwīdhī, but are otherwise unknown. 'Aḍud al-Dīn's second son, Abū Naṣr 'Alī, was the chief literary talent of the family, and it was his poetry in particular that earned a large place for the Banū Muẓaffar in the great 6th century anthology,

(1) Brockelmann, *GAL* I, 249 and *Suppl.* I, 442; Ibn Khallikān II, 25-28; tr. de Slane III, 162-168, see also II, 332; tr. de Slane IV, 124-125. For the satires on Ibn al-Baladī, p. 37, n. 1, above. The address to Ṣandal—*Dīwān*, No. 246, pp. 379-381, the heading states that Ṣandal was at the time of composition Ustādh al-Dār, but since reference is made to the expulsion of Qaymāz, that seems unlikely. An address to Ṣandal as Ustādh al-Dār could still have taken place in the first months of 571, after the fall of Qaymāz, but it would surely represent a break with 'Aḍud al-Dīn, and the year 571 is a strange time for that. The poet was still with the Banū Muẓaffar at the end of 570. (See p. 46, n. 2, above.) The epigram against the Banū Muẓaffar—*Dīwān*, No. 241, p. 368; also quoted in *Fakhrī*, p. 319; tr. Amar, p. 547.

(2) Mustafa Jawad, "Al-Rubuṭ al-Baghdādīya," *Sumer* X (1954), 245-246. For the associations of the *ribāṭs* of Abū Sa'd and of al-Zawzanī, see G. Makdisi, *Ibn 'Aqīl et la Résurgence de l'Islam Traditionaliste au XI^e siècle*, Damascus 1963, 378-381.

Kharīdat al-Qaṣr. (1) Sibṭ Ibn al-Taʿāwīdhī addresses many poems to Abū Naṣr which seem to recognize a community of interest and talent, and which never suggest that Abū Naṣr busied himself with administrative duties. (2) After his father's death, Abū Naṣr withdrew for a while into a Sufi order, for which he built a *ribāṭ* in Dār al-Khilāfa. Later on, he took the road that so many Baghdādīs were taking, to the court of Ṣalāḥ al-Dīn in Syria. He was well received in Damascus, and lived on in a position of honor until 582, troubled only by attacks made against him by a descendant of the Banū Hubayra. (3) A much younger relative held the office of Treasurer in Baghdad during the reign of al-Nāṣir. Ibn al-Athīr gives his name as Abū 'l-Futūḥ al-Mubārak b. al-Wazīr Abū 'l-Faraj Muḥammad, but I have found no mention of such a person in the Dīwān of Sibṭ Ibn al-Taʿāwīdhī, and I wonder if this Abū 'l-Futūḥ may not be a nephew or grandson rather than a son of ʿAḍud al-Dīn. (4)

The above is no more than an outline of what might be done with the biographies of the Banū Muẓaffar. Much of the source material is still in manuscript, notably the *Dhayl Taʾrīkh Baghdād* of Ibn al-Dubaythī, and even the edited sources are often imperfect. A full study of the family would require a careful assessment of the relevant *Dīwāns*, as well as of the narrative sources. Thorough genealogical researches would be essential, since they could indicate alliances with other magnate dynasties of Baghdad. The continuity of these dynasties, and their relations one with another will be a clue to much of the local and internal history of the Caliphate. Genealogies of executive officers and administrators are in many ways more revealing than those of titular heads of state. We know, after all, that the Caliphate must be held by an Abbasid, but there is no such requirement for the Vizierate,

(1) ʿImād al-Dīn Muḥammad al-Kātib al-Iṣbahānī, *Kharīdat al-Qaṣr, al-Qism al-ʿIrāqī*, I, 150-177, especially 166-177.

(2) See the index to the *Dīwān*, under ʿImād al-Dīn and Shihāb al-Dīn.

(3) *Mirʾāt*, 250.

(4) *Kāmil* XII, 110, raised to office in the year 605.

and when the office continues or recurs in one family, or group of related families, that fact is significant. Finally it may be noted that the two decades between 555 and 575 are of outstanding interest for the history of the Caliphate, since the reigns of al-Mustanjid and al-Mustaḍī' were the time of change and ferment that prepared the way for the remarkable Caliphate of al-Nāṣir.

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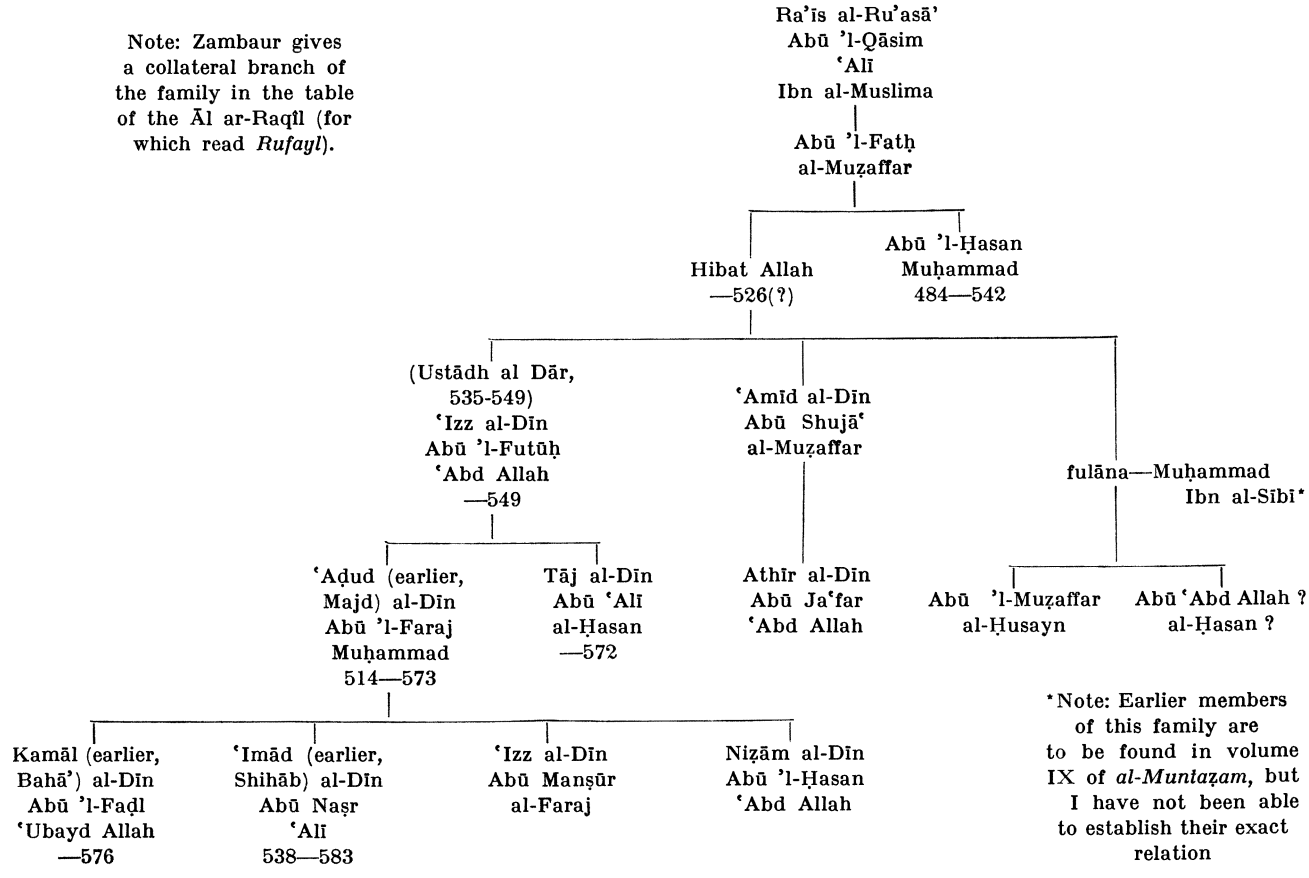
Vizirs des Khalifes, suite

al-Mustandjid		
3 rabīʿ I	555	Ibn-Hubaïra I[er], maintenu, sous le titre de Sulṭân al-ʿIrâq 13 dj I 560[1])
13 dj I	560	Muḥammad i. Yaḥià, ʿIzzaddîn, Ibn Hubaïra II, fils du précédent, emprisonné presque immédiatement, et tué 562 (inhumé ṣaf 562)
		Interrègne
ṣaf	563	Abû-Djaʿfar Aḥmad i. Muḥammad i. Saʿîd, Scharafaddîn Ibn al-Baladî tué 9 rabīʿ II 566
al-Mustaḍî		
9 rabīʿ II	566	Abû-l-Faradj Muḥammad i. Abî-l-Futûḥ ʿAbdallâh i. Raïs ar-Ruʾasâ, Ustâd-Dâr ʿAḍudaddîn, disgracié 12 schaw 567
12 schaw	567	Abû-l-Faḍl Yaḥià i. ʿUbaïdallâh i. Muḥammad i. al-Muʿammar i. Djaʿfar, Zaʿîmaddîn 19 rabīʿ I 570[2]
		Interrègne de quelques mois
23 ḍulq	570	ʿAḍudaddîn Abû-l-Faradj Muḥammad, 2[e] fois, assassiné par ordre d'Ibn al-ʿAṭṭâr, 4 ḍulq 573
10 ḍulḥ	573	Abû-Bakr Manṣûr i. Abî-l-Qâsim Naṣr, Ẓahîraddîn, Ibn al-ʿAṭṭâr, Ṣâḥib al-Makhzan, sous le titre de nâïb seulement

.(Corrections to Table 6, Vizirs des Khalifes, in E. de Zambaur, *Manuel de Généalogie et de Chronologie pour l'Histoire de l'Islam*, Hanover 1927.)

Descendants of Ibn al-Muslima. — The Banū Muẓaffar

Note: Zambaur gives a collateral branch of the family in the table of the Āl ar-Raqīl (for which read *Rufayl*).



*Note: Earlier members of this family are to be found in volume IX of *al-Muntaẓam*, but I have not been able to establish their exact relation

VALEUR ET FONDEMENT DU RAISONNEMENT JURIDIQUE PAR ANALOGIE D'APRÈS AL-ĠAZĀLĪ

Le raisonnement par analogie, principalement dans le vaste domaine juridico-religieux de l'Islam, est l'un des thèmes qu'au cours de sa féconde carrière intellectuelle al-Ġazālī (né en 1058, mort en 1111) a le plus fréquemment traités. L'érudition contemporaine, fascinée par d'autres aspects de cette riche personnalité, paraît jusqu'à ce jour s'en être peu souciée (1). Et pourtant, outre son importance dans l'histoire générale de la pensée, et plus spécialement dans celle de l'herméneutique musulmane, ce sujet prend ici un intérêt accru du fait de la position bilatérale et englobante qu'assume al-Ġazālī vis-à-vis à la fois de la logique grecque et de la méthode exégétique traditionnelle chez ses coreligionnaires : cette coexistence ou plutôt symbiose fait assurément problème, un problème dont il n'a pu se passer d'avoir conscience, mais qu'au total il a plus effleuré que débattu. Les champs d'application, dans une certaine mesure, s'interpénètrent : comme Ibn Ḥazm de Cordoue son prédécesseur (mort en 1064), il illustre volontiers la logique grecque par des exemples tirés de la théologie ou du droit ; davantage encore, l'immixtion de cette logique est érigée en système dans son *Qisṭās al-mustaqīm*, à propos du texte coranique ; mais cela ne l'empêche point de conserver très fidèlement une exégèse légaliste qui réglemente

(1) Ces lignes étaient écrites lorsque a paru l'ouvrage d'H. Laoust, *La politique de Ġazālī*, Paris (décembre) 1970, où deux pages (175 à 177) sont consacrées au « raisonnement analogique » d'après quelques passages du *Mustaṣfà*.

avec minutie ses modes propres d'argumenter. Dans un travail antérieur nous avons mis l'accent principalement sur la place du syllogisme hérité des Grecs (1) ; la présente étude, dès lors annoncée, se tourne plus résolument vers l'autre visage de cette logique à deux faces pour en faire ressortir les traits spécifiques, marquer plus nettement le clivage, et aider à faire mieux connaître, au travers et au delà de questions parfois peut-être un peu déconcertantes pour un esprit moderne, certaines conceptions de base de l'illustre docteur.

A côté de quelques notations utiles dans ses traités de logique *(Miḥakk an-naẓar fī l-manṭiq)* et d'épistémologie *(Miʿyār al-ʿilm)*, c'est à la littérature touffue, techniquement poussée, des *uṣūl al-fiqh* que ressortissent ceux de ses ouvrages les plus directement concernés. Ils s'échelonnent, rappelons-le, tout au long de sa vie active, depuis sa jeunesse jusqu'aux approches du dernier jour, du *Manḫūl* (2), qui se veut dans la ligne stricte de l'enseignement du maître l'Imām al-Ḥaramain, sans doute avant le décès de celui-ci survenu en 1085, jusqu'au *Mustaṣfà*, écrit dans l'été 1109, construction synthétique exprimant à titre définitif les idées personnelles d'al-Ġazālī (3). Il ne semble pas que son *Tahḏīb al-uṣūl*, cité par lui-même comme très détaillé (4), soit parvenu jusqu'à nous. Nous disposons par contre de deux traités qu'il a consacrés spécialement au raisonnement juridique par analogie : le volumineux *Šifāʾ al-ġalīl fī bayān masālik al-taʿlīl*, antérieur à 1094 (5), et, plus bref, mais particulièrement

(1) R. Brunschvig, *Pour ou contre la logique grecque chez les théologiens-juristes de l'Islam : Ibn Ḥazm, al-Ghazālī, Ibn Taimiyya*, in : *Oriente e Occidente nel Medioevo : Filosofia e Scienze*, Convegno Volta (avril 1969), Rome 1971.

(2) Voir la notice rédigée par ʿAbdarraḥmān Badawī, *Muʾallafāt al-Ġazālī*, Caire 1961, pp. 6-16. Le ms. dont nous nous sommes servi ici est celui du Caire, *uṣūl al-fiqh* 113 (daté de 591/1195). — Au moment de mettre sous presse, nous avons pu ajouter les références à la récente édition de Damas, 1970.

(3) Les références ci-après sont faites à l'édition du Caire, 2 vol., 1937.

(4) *Mustaṣfà*, I, 3 ; cf. aussi *ibid.*, I, 111, II, 93.

(5) Voir Bouyges et Allard, *Essai de chronologie des œuvres de Al-Ghazali*, Beyrouth 1959, n° 12 ; et ʿA. Badawī, *op. cit.*, pp. 38-43. — Le ms. dont nous nous sommes servi ici est celui du Caire, *uṣūl al-fiqh* 154 (daté de 573/1177-78). — En cours d'impression nous avons pu ajouter hâtivement les références à la toute récente édition de Baghdad, 1971. Le titre signifie expressément, comme il est souligné de temps à autre dans le livre même, que le contenu doit suffire à « apaiser la soif », sans épuiser toutefois la discussion possible sur tous les points. Sur les *masālik* (« voies ») du *taʿlīl* voir ci-après.

pertinent pour l'un des objets de notre recherche, comme son titre le suggère déjà, l'*Asās al-qiyās*, « Fondement du raisonnement par analogie ».

Ce *Kitāb Asās al-qiyās* est mentionné à quelques reprises dans le *Mustaṣfà* (1) ; et il figure dans un recueil d'opuscules de notre auteur conservé en manuscrit à Istanbul (2). Un doute a été émis, non point sur son authenticité, mais sur son caractère de « livre indépendant » (3). La lecture du texte ne paraît pas justifier une pareille hésitation. Il se présente comme la réponse à une question — vraie ou fictive — sur ce qui est le fondement véritable du *qiyās* et sur la raison pour laquelle les gens diffèrent à son sujet, « les uns estimant nécessaire de recourir au *qiyās* pour poser certaines règles de la Loi, les autres prétendant que le fondement du *qiyās* serait purement l'avis personnel *(ra'y maḥḍ)* », méthode scandaleuse en ce qui touche la religion d'Allah : « quel ciel alors nous couvrirait et quelle terre nous porterait ? ». Le travail a été rédigé pour soutenir et préciser une thèse, comme nous le constaterons ; il est parfaitement homogène, et il forme un tout. Chemin faisant, d'autres écrits de notre auteur y sont évoqués : sur le *qiyās* même son *Šifā' al-ġalīl* (4), — à propos des controverses sur la vision de Dieu et sur le prêt à intérêt respectivement (5) son *Iqtiṣād fī l-i'tiqād* bien connu et son *K. al-mabādi' wa-l-ġāyāt min al-ḫilāfiyyāt* sur lequel nous sommes très mal renseignés, — sur les divers modes classiques de raisonnement le *Miḥakk*, le *Mi'yār* et le *Qisṭās* (6). Celui-ci, dernier en date, se situant vers l'année 1103, l'*Asās al-qiyās* a donc été composé entre 1103 environ et 1109, en pleine période de maturité.

De l'un à l'autre de ces ouvrages, des différences parfois sensibles de présentation, d'éclairage. Quelques variations même

(1) I, 25, II, 57, 87.

(2) Beşir Aga (Süleymaniye), n° 650, f^{os} 178-201 (daté de 815/1412). Je suis reconnaissant à mon ami le Prof. Abdülkadir Karahan de m'avoir aimablement procuré la photocopie de cet ouvrage.

(3) Bouyges et Allard, *op. cit.*, n° 67. — Rien à ce sujet dans la brève notice de 'A. Badawī, *op. cit.*, p. 214.

(4) F° 189, dern. ligne.

(5) F^{os} 183 a et 195 a.

(6) F° 183 a.

sans doute pourraient être relevées sur des nuances ou des points secondaires. Mais, au total, la doctrine demeure unie et cohérente, dans le sillage de la tradition šāfi'ite, dans la résistance constante, bien que sous une forme tempérée, aux enseignements ḥanafites. Les deux écoles, en rivales toujours conscientes, avaient assis leurs solutions opposées à l'intérieur d'une problématique commune ; et, de chaque côté, l'œuvre de grands maîtres venait précéder celle d'al-Ġazālī. Ce dernier a donc eu pour tâche, beaucoup plus que de créer du neuf, de décanter, de parachever, de systématiser l'héritage de ses devanciers. Il s'y est employé avec conscience, avec persévérance, sans craindre d'affronter certaines difficultés théoriques, s'efforçant à des analyses approfondies et à des discussions serrées. Nous voudrions, dans les pages qui suivent, dégager des aspects qui nous paraissent essentiels en mettant l'accent le plus possible sur la classification des modes, l'agencement conceptuel des éléments, la mesure de leur fondement rationnel ou plus proprement religieux. Sans entrer dans trop de détails, sans esquiver néanmoins l'aspect technique dont un exposé par trop bref eût risqué de ne pouvoir du tout rendre compte, nous espérons pallier dans une certaine mesure l'aridité du thème, et ne point pour autant trahir l'auteur.

* * *

Le terme de *qiyās* connote, chez al-Ġazālī comme chez la plupart des écrivains, aussi bien le syllogisme antique que le raisonnement juridique par analogie. Mais, lorsqu'il est besoin de préciser, il ajoute pour ce dernier l'épithète *šar'ī* ou *fiqhī*, qui le distingue du syllogisme, *qiyās 'aqlī* ou *manṭiqī*. Il jette un regard, mais n'insiste pas, sur cette sorte de charnière que pourrait être entre les deux genres le syllogisme apodictique par la cause *(burhān lima)* (1) : il sait fort bien que le *qiyās* juridique n'a pas en soi le caractère d'un syllogisme apodictique *(burhān)*, et que la notion de « cause » y prend un sens très particulier. Il lui arrive en revanche d'assimiler, sur un plan

(1) *Mi'yār al-'ilm*, éd. Caire 1961, pp. 243-4.

large, ce *qiyās* à l'analogie ordinaire ou *tamṯīl*, en tant que ni l'un ni l'autre fondamentalement n'a recours à l'universel (1). N'est-il pas cependant possible de mettre sous une forme syllogistique ce *qiyās* ? L'exemple le plus facile, et partout répété, est, à partir du hadith « toute boisson enivrante *(muskir)* est interdite » (qui interprète ou élargit l'interdiction coranique de boire du vin — *ḫamr*, II, 219, V, 90-91) : « or tout vin de palme *(nabīḏ)* est enivrant, donc tout vin de palme est interdit ». Al-Ġazālī se défend de nier que la conclusion découle ici nécessairement des deux prémisses, dès lors qu'elles sont acceptées : cette possibilité de ramener au syllogisme, il y voit volontiers, dans le *Miḥakk*, comme dans l'*Asās*, une garantie de solide validité logique. Mais il se plaira à souligner là même, et ensuite dans le *Mustaṣfà*, que telle n'est pas la vraie nature du *qiyās* juridique : si l'on dénomme *qiyās fiqhī* le syllogisme aux prémisses « opinatives » *(maẓnūna)* que l'on ne saurait pour cette raison appeler *burhān*, c'est uniquement par licence ou abus de langage que l'on qualifie ainsi un raisonnement à deux prémisses et une conclusion, qui s'appuie sur du « général » *('umūm)* — entendez ici « universel » (2). Le rapport entre les deux propositions sur lesquelles porte l'authentique *qiyās šar'ī* ou *fiqhī* est d'un autre ordre ; il a sa propre structure et sa propre complexité.

Sur la nature du raisonnement juridique par analogie et sur sa délimitation, la définition que l'on nous en donne constitue bien évidemment une première et utile information. Al-Ġazālī ne prétend pas là-dessus être original ; mais, se bornant à reproduire des définitions antérieures, il exprime sommairement à leur sujet ses réserves ou sa préférence. Dans le *Manḫūl*, il désapprouve « ramener la chose à la chose par un [élément] commun », et juge insuffisant de dire « inférer d'un cas de base *(aṣl)* à un cas dérivé *(far')* par un [élément] commun » (3). La formule lapidaire « ramener l'absent au présent », qu'il paraissait tolérer dans le *Mi'yār* et l'*Asās* (4), il la repousse dans

(1) *Ibid.*, pp. 165 suiv.

(2) *Miḥakk an-naẓar*, éd. Caire s.d. *(maṭba'a adabiyya)*, p. 31 ; cf. aussi *Mi'yār*, p. 202 ; *Asās*, f^os 181 a-b, 185 b-186 a ; *Mustaṣfà*, I, 25, II, 54.

(3) *Manḫūl*, f° 115 a/p. 323.

(4) *Mi'yār*, p. 165 ; *Asās*, f^os 180, 186 a.

le *Mustaṣfà*. Il adopte, par contre, soit « rapporter un cas dérivé à un cas de base pour une norme *(ḥukm)* en vertu d'une cause *('illa)* », — soit de préférence « rapporter du connu *(ma'lūm)* à du connu pour poser ou nier une norme par ce qu'ils ont en commun qui pose ou nie une norme ou une qualité » (1) : souci évident d'une représentation à la fois plus neutre et plus étendue. Au total, une définition descriptive, ou *rasm* comme l'avait appelée l'Imām al-Ḥaramain (2), plus qu'une définition strictement formelle ou *ḥadd*. Qu'elle manque de rigueur va du reste nous devenir patent par l'hésitation à faire entrer certaines formes de déduction plus ou moins analogiques dans le *qiyās* ainsi défini.

Le *Manḫūl*, déjà, énumère trois de ces types douteux (3) :

1) Le premier revendique le « sens implicite du texte » *(faḥwà l-ḫiṭāb)*, pour inférer par exemple l'interdiction de frapper ses parents de celle de leur manifester en parole du dédain *(uff)* qu'énonce le Coran (XVII, 23). Est-ce là un *qiyās* ou non ? Les avis sont partagés : al-Ġazālī est pour la négative, non point, comme le voulait l'un de ses prédécesseurs, parce que le sens implicite du texte serait de soi suffisamment parlant, mais parce que, d'après lui, « le contexte et l'état de choses connexe » *(siyāq al-kalām wa-qarīnat al-ḥāl)* exigent cette façon de comprendre, « d'une manière péremptoire » *('alà l-qaṭ')*.

2) Le second type consiste à étendre aux autres hommes une règle que la Loi édicte formellement à propos d'un seul. D'aucuns estiment que ce n'est pas du *qiyās*, pas plus que n'en est un l'extension à toutes les époques de l'enseignement du Prophète ou que n'en serait un l'application à tous les hommes d'une défense qui eût été adressée par le Législateur à un individu sous la forme : « ne mange pas d'aconit parce que c'est un poison » ; et ils ajoutent que pareil *qiyās* serait impossible s'il ne se tirait pas du texte lui-même, et inutile s'il s'en tirait. Al-Ġazālī est

(1) *Manḫūl*, f° 115 a/p. 324 ; *Šifā'*, f° 4 b/p. 19 ; *Asās*, f^{os} 180-181 ; *Mustaṣfà*, II, 54. — « Qu'ils ont en commun » *(ištirāk jam')* n'y figure pas partout.

(2) *K. al-Burhān*, ms. du Caire, *uṣūl al-fiqh* 714, p. 206.

(3) *Manḫūl*, f^{os} 119 b - 121 a/pp. 334-335.

plutôt d'une opinion contraire : c'est bien là pour lui un *qiyās*, car un « examen » *(naẓar)* double y est indispensable, pour en préciser l'objet et pour s'assurer d'une non-particularisation. Et il réfute les deux exemples ci-dessus invoqués par ses adversaires : le report de la Loi d'une époque à l'autre ne se déduit pas du texte formel et, s'il se fonde sur le « consensus », celui-ci ne dispense pas du *qiyās* ; quant à l'interdiction pour tous de consommer ce qui est poison, elle ne se tire pas non plus du texte même, mais de la certitude que le Législateur étend sa miséricorde à tous.

3) Enfin, le troisième procédé mis en cause est le rattachement de la chose à ce qui est inclus dans la signification [du texte] *(ilḥāq aš-šai' bī-mā fī ma'nāh)*. Ainsi en est-il de la « femme esclave » *(ama)* quand le texte dit « esclave » *('abd)*. Al-Ġazālī, contrairement à certains docteurs, préférerait ne pas le reconnaître toujours comme *qiyās* ; ce n'est pas non plus, avoue-t-il, du « formellement exprimé » *(manṣūṣ)*, mais « ce qui se comprend *(mafhūm)* nécessairement à partir du texte sans qu'il soit besoin de réfléchir ». Ce troisième type controversé est d'ailleurs, à ses yeux, d'un moindre rang que le premier — encore que tous deux procurent une connaissance solide *(ma'lūm)* — parce que seul, assure-t-il, un savant confirmé en use spontanément, tandis que l'autre s'impose immédiatement à tous.

Une précision semble bien, de la sorte, s'affirmer : pour qu'il y ait *qiyās*, point de saisie instantanée d'une conséquence, mais l'exigence d'un minimum de réflexion. La difficulté, cependant, est de situer exactement ce clivage ; et il s'y ajoute certainement, dans la pratique, la discussion possible sur l'appartenance à tel ou tel mode du cas à envisager. Sur le plan théorique, al-Ġazālī a repris le problème, principalement dans son *Miḥakk* et son *Mustaṣfà* (1). A y regarder d'un peu près, on y retrouve, à travers un classement et une nomenclature autres, et quelques variations de faible amplitude, les mêmes idées fondamentales que dans le *Manḫūl*.

Les types un et trois ci-dessus s'y regroupent en une voie qui

(1) *Miḥakk*, pp. 84-88 ; *Mustaṣfà*, II, 55, 72-74.

consiste à bien observer que la modification dans le cas dérivé d'un trait inclus dans le cas de base n'affecte en rien la norme ; les exemples cités concordent ; mais il est parlé plutôt, à leur sujet, d'un « a fortiori » *(aulà)* — notamment à propos du *uff* coranique — et d'une « équivalence » *(musāwāt, miṯl)*, et l'analyse met l'accent, pour justifier l'assimilation du cas dérivé au cas de base, sur le « retranchement » *(ḥaḏf, inḥiḏāf)*, c'est-à-dire la non-considération, du trait ou du caractère distinctif qui à première vue les sépare. Al-Ġazālī est plus réservé maintenant sur leur rejet hors du *qiyās* ; quand il y fait allusion, c'est avec prudence, et il ajoute qu'en réalité certains cas aisément regardés comme ressortissant à ces deux types n'aboutissent qu'à des solutions probables *(ẓann)* : remarque qui aide à arranger les choses en facilitant l'apparentement ou l'intégration au *qiyās*.

Quant au type numéro deux du *Manḫūl*, généralisation d'un cas textuellement individuel ou spécifique, qu'al-Ġazālī acceptait comme *qiyās*, c'est bien lui qui, à en juger par les définitions et les exemples, reçoit dans le *Mustaṣfà* la dénomination de *tanqīḥ manāṭ al-ḥukm* = « dégagement du déterminant de la norme », parce que l'opération peut être interprétée spécialement comme libérant ce déterminant de la norme de certaines apparentes restrictions (1). La plupart des docteurs, dit-il, l'admettent, et elle relève, elle aussi, du *ẓann*. *Qiyās* ou non ? En fin de compte, il esquisse un débat plus poussé en suggérant — des allusions de ce genre pointaient déjà, il est vrai, dans le *Manḫūl* — que ce pourrait n'être qu'une question de terminologie.

Concentrons maintenant notre attention sur les types indubitablement reconnus comme faisant partie du *qiyās* juridique traditionnel. Al-Ġazālī respecte, en ce qui les concerne, la division hiérarchique posée comme fondamentale dès la *Risāla* d'aš-Šāfi'ī : le *qiyās al-ma'nà*, dit plus habituellement de longue date *qiyās al-'illa*, et, au-dessous de lui, le *qiyās aš-šabah*, qui se contente d'une similitude moins analysée. Le *qiyās al-'illa*, qui est de

(1) L'emploi de l'expression était beaucoup plus large dans *Asās*, f^os^ 186 a, 190 a ; voir ci-après.

beaucoup le plus important et le plus élaboré, connaît à son tour une hiérarchie interne fondée sur ce qui décide de l'existence ou du choix, dans le cas de base, d'une « cause » ou *'illa*, qui est le « déterminant de la norme » *(manāṭ al-ḥukm)*. Bien entendu, il ne s'agit pas de cause physique ni purement rationnelle, mais de motif légal, *ratio legis*, sur le plan juridico-religieux qui est celui de l'Islam. Les voies par lesquelles se reconnaît et se pose cette *'illa* — opération dite *ta'līl* — sont de trois sortes, par ordre décroissant de prestige et d'autorité, rappelant l'ordinaire classification des sources du droit musulman : source textuelle *(naql)*, consensus *(ijmā')*, déduction rationnelle *(istinbāṭ)*. Voyons d'abord ce qui relève du *naql*.

Les sources textuelles, Coran ou Sunna, peuvent désigner la *'illa*, soit d'une façon expresse et directe *(tanṣīṣ, taṣrīḥ)*, soit par avertissement indirect ou allusif *(tanbīh, īmā')*. La formulation explicite d'une raison ou d'un but révèle sans aucun doute possible la *'illa* : ainsi, dans Coran LIX, 7, après l'énumération limitative des légitimes bénéficiaires du butin, la justification « *afin qu'*il n'en revienne rien aux riches d'entre vous » ; — ou dans Coran VIII, 13, et LIX, 4, à propos d'Infidèles promis aux feux de l'Enfer, le motif de leur châtiment « cela *parce qu'*ils ont rompu avec Allah ; — ou encore, à la suite de Coran XXIV, 58-59, qui prescrit de demander l'autorisation avant d'entrer dans une demeure, l'explication fournie par un hadith prophétique « c'est uniquement *à cause de* la vue [illicite que l'on pourrait y avoir] » (1).

C'est dans le *Šifā'* que le *tanbīh* ou *īmā'* est traité le plus en détail, pour être repris ensuite plus sobrement dans le *Mustaṣfà*. Il comporte d'assez nombreuses variétés. En voici les principaux spécimens :

1) L'emploi de la conjonction *fa* qui consacre un lien, perçu comme de cause à conséquence, entre deux membres de phrase. Par exemple, « le voleur et la voleuse, tranchez *(fa-qṭa'ū)* leurs mains » (Coran V, 38) ; — « la fornicatrice et le fornicateur, fustigez *(fa-jlidū)* chacun d'eux » (Coran XXIV, 2) ; — « quand

(1) *Manḫūl*, f° 123 a/p. 343 ; *Šifā'*, f° 5 a-b/pp. 23-26 ; *Mustaṣfà*, II, 74.

vous allez faire la Prière, lavez *(fa-ġsilū)* vos visages et vos mains » (Coran, V, 6) ; — « celui qui a revivifié une terre, elle est à lui *(fa-hiya lahu)* » (hadith) ; — « Mā'iz ayant forniqué a été lapidé *(fa-rujima)* » (hadith).

2) L'emploi de cette même conjonction *fa* devant le verbe « il dit » *(qāl/yaqūl)* qui introduit une parole du Prophète faisant suite à un propos que lui a adressé un interlocuteur : « j'ai rompu le jeûne... *fa-yaqūl* : tu dois expiation », ou encore « j'ai eu commerce avec ma femme pendant le jour en ramaḍān... *fa-qāl* : affranchis un esclave ». Ce deuxième type est de moindre rang que le premier ci-dessus, parce que le lien causal entre les deux propositions dépend ici d'une exigence supplémentaire : la conviction que le Prophète entend ainsi vraiment répondre à la question soulevée par le consultant.

3) Toute une série de cas dans lesquels l'indication d'un trait ou d'une qualité *(waṣf)* dans le texte serait sans utilité ni signification si ce n'était pour faire fonction de *'illa*. Les exemples proposés sont empruntés à la littérature des hadiths. Ainsi :

a) Le Prophète, qui avait refusé d'entrer dans une maison où il y avait un chien, accepte de pénétrer dans une autre où vit une chatte. Interrogé, il déclare : « elle n'est pas une souillure, elle fait partie des êtres familiers de votre entourage ». Cette dernière notation, *waṣf* justificatif, a valeur de *'illa*.

b) Le Prophète fait ablution avec un liquide composé de jus de dattes et d'eau. Il dit : « datte bonne et eau très pure », afin de renseigner, non point sur cette composition qui est bien connue, mais sur la *'illa* de la licéité de s'en servir pour l'ablution.

c) Le Prophète déclare que Dieu a maudit les Juifs qui ont pris les tombeaux de leurs Prophètes comme lieux de culte. Il avertit ainsi que cette pratique est interdite et qu'elle est une *'illa* de malédiction, encore que pour les Juifs leur mécréance en soit une déjà.

d) Le Prophète [appelé à se prononcer sur la licéité d'une opération dattes fraîches contre dattes sèches] demande : « les fraîches diminuent-elles en séchant ? » ; sur réponse affirmative, il tranche : « alors non » *(fa-lā iḏan)*. Le *tanbīh* est triple,

commente notre auteur : par le *fa*, le *iḏan*, et la relation question-réponse.

e) Le Prophète, auquel 'Umar a demandé si un baiser [sur les lèvres] interrompt le jeûne, questionne à son tour : « quel est ton avis, si l'on se rince la bouche ? » Ce qui s'interprète : le baiser précède la satisfaction du désir sexuel comme le rinçage de la bouche précède la satisfaction de l'appétit ; il n'y a pas rupture du jeûne puisque le désir demeure insatisfait. Ce genre de *tanbīh* consiste à suggérer, par mention d'un cas homologue *(naẓīr)* à celui qui a été soulevé, la *'illa* qui commandera leur norme identique. — Autre exemple : le Prophète, interrogé par une femme sur la valeur du Pèlerinage qu'elle effectuerait aux lieu et place de son père, lui demande : « quel est ton avis, si ton père avait une dette et que tu l'acquittes ? [serait-ce bien ?] ». Réponse : « oui », suivie de la réplique : « la dette envers Dieu mérite davantage encore d'être acquittée ». La dette sert donc ici de commune *'illa*.

4) La mention dans la Loi, pour poser une norme, d'un trait qui différencie le cas à considérer. Les exemples sont de deux sortes :

a) Le cas à considérer est seul cité, sans la généralité dont on le différencie. Le Prophète enseigne : « le meurtrier n'hérite pas » ; comme il est établi que le parent hérite, le meurtre est donc *'illa* de son exclusion de l'héritage.

b) Le cas à considérer est cité en liaison avec un autre proche, et le trait qui l'en différencie est déterminant de sa norme. Des exemples avec « ne pas ... jusqu'à ce que » *(lā ... ḥattà)* : « *ne* les approchez *pas jusqu'à ce qu*'elles soient pures » (Coran, II, 222) ; — « *ne* faites *pas* la prière en état de pollution *jusqu'à ce que* vous vous laviez » (Coran, IV, 43) ; — « [son épouse répudiée] *ne* lui est *plus* permise *jusqu'à ce qu*'elle ait épousé un autre que lui » (Coran, II, 230). — D'autres exemples, où se juxtaposent seulement les deux cas différenciés : « Dieu ne vous reprendra pas pour la légèreté dans vos serments ; mais il vous reprendra pour les serments qui vous lient [s'ils ne sont pas tenus] » (Coran, V, 89) ; c'est donc seulement le serment

valable [et non tenu] qui est la cause de la réprobation divine. Ou encore cette parole du Prophète : « Au fantassin une part, au cavalier deux parts [de butin] » ; la donnée différente est donc *'illa* de chacune des deux normes distinctes.

5) Enfin, le cas d'interdiction de ce qui empêche l'accomplissement d'une obligation religieuse : la *'illa* n'est pas la nature de la chose, mais l'empêchement que celle-ci occasionne. L'interdiction de la vente lors de la Prière du vendredi (Coran, LXII, 9) ne frappe pas la vente en tant que telle, elle demeure juridiquement valable ; mais une exacte compréhension de la *'illa* interdit, nous dit-on, tout ce qui, parole ou acte, empêche de se rendre à la Prière avec empressement comme il se doit (1).

En seconde position, à la suite des sources textuelles, intervient le consensus ou *ijmā'*. Lorsqu'il fixe une règle légale, il fournit aisément par là même l'indication d'une *'illa*. Des quelques exemples qu'avance al-Ġazālī sans les adopter tous, retenons les suivants qu'il ne récuse pas :

a) Par *ijmā'*, le frère germain a priorité sur le consanguin pour la vocation à héritage ; sa qualité de frère germain est donc *'illa* de sa priorité ; elle le sera également, par analogie, dans la fonction de tuteur matrimonial.

b) Par *ijmā'*, l'ignorance de la contreprestation est *'illa* du caractère vicié de la vente ; par analogie, l'ignorance du douaire matrimonial viciera de même le mariage.

c) Par *ijmā'*, la détention indue d'un bien par un usurpateur est *'illa* de ce que la responsabilité de sa perte incombe à ce dernier ; il en sera de même, par analogie, pour le bien, lui aussi indûment détenu, qui périt entre les mains du voleur (2).

Venons-en à la déduction rationnelle ou *istinbāṭ* comme apte à déceler la *'illa*. Elle peut s'exercer de deux manières, dont la première est un procédé logique, dit *sabr wa-taqsīm* : il consiste à énumérer les caractères ou qualités de la chose, candidats

(1) *Manḫūl*, f^os^ 123 b - 125 a/pp. 343-350 ; *Šifā'*, f^os^ 5 b - 10 a/pp. 27 suiv. ; *Mustaṣfà*, II, 75.

(2) *Šifā'*, f° 20 a/pp. 110 suiv. ; *Mustaṣfà*, II, 76.

éventuels à la fonction de cause, et à les éliminer tous successivement comme inadmissibles dans ce rôle à l'exception d'un seul, reconnu en conséquence *'illa* véritable. Le *Manḫūl* fournit comme illustration l'interdiction de boire du vin : celui-ci est « liquide, rouge, écumeux, enivrant » ; le dernier trait seul, par élimination des autres, sera *'illa*. Dans le *Mustaṣfà*, un exemple similaire est l'interdiction de l'usure (au sens large) sur le froment : par élimination des autres caractères qui auraient pu être mis en cause, c'est celui de denrée alimentaire qui est seul retenu comme *'illa*. Al-Ġazālī n'ignore pas qu'en matière légale cette façon d'argumenter, qu'il approuve, demeure « opinative », mais nous avons vu que cela n'est aucunement contraire à l'idée du *qiyās*. Au reste, entre le *ta'līl* auquel incite le Coran ou la Sunna, celui qu'enseigne le consensus et celui encore qui procède du *sabr wa-taqsīm*, est mis en avant un trait commun : l'« efficience » *(ta'ṯīr)* de la cause sur la conséquence légale, c'est-à-dire de la *'illa* qualifiée alors de *mu'aṯṯira* sur le *ḥukm* (1). Ainsi se trouvent soulignées l'étroitesse de leur rapport et la force de la causalité qui les lie.

Il n'en va pas tout à fait de même pour la deuxième manière de l'*istinbāṭ*, la plus répandue, la plus controversée, qui est la saisie de leur « affinité » *(munāsaba)* sous l'angle de l'intérêt éthique *(maṣlaḥa)*. Que représente cette *maṣlaḥa* (pl. *maṣāliḥ*) ? Et que faut-il entendre au juste par ladite *munāsaba* ?

A cette double question répond avec une certaine abondance le *Šifā'*, repris par le *Mustaṣfà* en deux développements distincts, dont le premier (2) se situe bien avant la partie consacrée proprement au *qiyās*. « Nous entendons par *maṣlaḥa* la sauvegarde du but de la Loi *(muḥāfaẓa 'alà maqṣūd aš-Šar')* (3). Ce but de la Loi, en ce qui concerne les créatures humaines, est de préserver leur religion, leur personne, leur raison, leur procréation et leurs biens. Pour le connaître, il peut y avoir le témoignage exprès de la Loi, soit dans le sens positif, soit dans le sens négatif ; à défaut de ce témoignage explicite on recourt à un examen

(1) *Manḫul*, f^os^ 126 b - 127 b/pp. 350-352 ; *Šifā'*, f^os^ 24-26/pp. 126 suiv. ; *Mustaṣfà*, II, 77, 84.

(2) *Mustaṣfà*, I, 139 suiv., correspondant principalement à *Šifā'*, f^os^ 28-29/pp. 142 suiv.

(3) *Mustaṣfà*, I, 140.

rationnel *(naẓar)*. Mais une autre classification se présente qui sera, surtout dans ce dernier cas, du plus grand secours : dans un ordre hiérarchique descendant, la *maṣlaḥa* portera soit sur des « nécessités » *(ḍarūrāt)*, soit sur de simples « besoins » *(ḥājāt)*, soit sur ce qui, n'étant ni l'un ni l'autre, a du moins pour fonction de faciliter ou d'améliorer *(taḥsīnāt)* les choses dans le domaine juridico-religieux (1). Une difficulté théologique pourrait surgir ici, qu'al-Ġazālī tient à écarter rapidement : Dieu fait ce qu'Il veut de Ses créatures et n'est point lié (contrairement à la doctrine mu'tazilite) par la notion de « bien » ou *ṣalāḥ* ; mais cela n'empêche que la raison serve d'indicatrice des choses bonnes ou mauvaises *(al-maṣāliḥ wa-l-mafāsid)*, et que les Envoyés de Dieu l'aient été pour le bien spirituel et temporel des créatures, en vertu de Sa miséricorde, sans obligation de Sa part (2). L'essentiel, pour ce qui nous occupe présentement, est de relever l'insistance avec laquelle il est dénoncé que cet *istiṣlāḥ*, ou appel à la *maṣlaḥa*, ne saurait être considéré comme une source complémentaire autonome de la Loi (allusion, à coup sûr, à l'enseignement mālikite) ; il n'est, en vérité, que l'application rationnelle de cette Loi par le respect des « buts » *(maqāṣid)* qu'elle exprime ou qu'elle implique dans ses trois sources canoniques, Coran, Sunna et consensus (3).

A voir les choses largement, l'« affinité », ou *munāsaba*, à travers ce qui apparaît comme humainement et religieusement souhaitable, peut exister déjà au niveau le plus élevé du rapport *'illa→ḥukm*, mentionné ci-dessus, celui de l'« efficience » ou *ta'ṯīr*. Mais elle n'y est jamais indispensable et tout au plus y joue un rôle secondaire : celui de rendre plus parlant à l'esprit, plus convaincant subjectivement, le rapport qui s'impose entre la *'illa* (autrement dit le trait ou qualité — *waṣf* — digne d'être *'illa*) et le *ḥukm* (4). L'emploi ordinaire, le plus normal, de cette *munāsaba* est donc celui qui intervient à défaut de *ta'ṯīr* ; et là encore une gradation descendante est affirmée : il est fait distinc-

(1) Pour les exemples, voir ci-après ; également Laoust, *op. cit.*, pp. 166-171, d'après le *Mustaṣfà*.

(2) *Šifā'*, f^os^ 28 a-34 a/pp. 159 suiv.

(3) Surtout *Mustaṣfà*, I, 143 (bas).

(4) Principalement *Šifā'*, f^os^ 6 a-b, 9 a, 24 b, 25 b/pp. 30-32, 47, 140, 144-5 ; aussi *Mustaṣfà*, II, 76.

tion entre un rapport plus impérieusement senti, dit « adéquat » *(mulā'im)*, et un rapport dit « rare ou lointain » *(ġarīb)*, plus faible logiquement. Ce dernier, moins fréquent, contesté, comporte des degrés, lesquels, sans échelle fixe, dépendront selon les cas de l'appréciation de chaque docteur (1).

Est-il une base plus technique sur laquelle s'opère la classification générale qui vient d'être exposée ? Al-Ġazālī l'asseoit sur les concepts oppositionnels de *'ain* et de *jins* concernant la *'illa* et aussi le *ḥukm* : ou identité précise, ou appartenance plus vague à un genre commun. Mais l'application qu'il en propose semble curieusement différer entre le *Šifā'*, et le *Mustaṣfà*. Dans le premier de ces ouvrages, le rapport de cause à effet entre *'illa* et *ḥukm* s'exerce, quand il est « efficient » *(mu'aṯṯir)*, *'ain* sur *'ain* ; quand il est « adéquat » *(mulā'im)*, *jins* sur *jins* ; quand il est « lointain » *(ġarīb)*, c'est en dehors du *'ain* et du *jins*. Dans le *Mustaṣfà*, en revanche, le *'ain* sur *'ain* ou sur *jins* est réservé à ce qui est « inclus dans la signification du texte de base » *(fī ma'nà l-aṣl)* et à ce qui est qualifié spécifiquement de *mu'aṯṯir* ; le *mulā'im* comporte *jins* sur *'ain*, et le *ġarīb* comporte *jins* sur *jins*. Un exemple de *mulā'im* éclaire-t-il ce surprenant décalage ? Il concerne la suppression du rattrapage de la prière rituelle qui n'a pas été faite en son temps lorsqu'il y a lieu d'invoquer à cet effet comme *'illa* la gêne excessive que comporterait l'exécution : la gêne excessive, dont les cas peuvent être multiples, est conçue comme un « genre » *(jins)* ; mais, tandis que le *Šifā'* voit aussi un « genre » dans la suppression dudit rattrapage, à cause assurément de ses diverses applications, le *Mustaṣfà* déclare *'ain* la même conséquence qu'il envisage en effet dans un cas précis, celui de la prière de la menstruée (2). La pensée d'al-Ġazālī aurait-elle évolué sur ce point secondaire ? On ne saurait dire en définitive que sa conception personnelle du *mulā'im*, et par contrecoup du *ġarīb*, en sorte véritablement clarifiée.

Une autre question embarrassante que l'on estimerait volontiers d'une plus grande portée que la précédente est celle de la

(1) Principalement *Šifā'*, f° 27 b/pp. 158-9, et *Mustaṣfà*, II, 80, 84-85.
(2) *Šifā'*, f°s 26-27/pp. 148 suiv. ; *Mustaṣfà*, II, 84-85.

relation à établir entre la classification dont on vient de traiter et les divers degrés de l'intérêt éthique, signalés brièvement ci-dessus, dans l'opération du *ta'līl* (1). Des notations quelque peu confuses d'al-Ġazālī, voici ce qu'une analyse attentive se croit en droit de faire ressortir. Si la *munāsaba* vise des « nécessités » *(ḍarūrāt)* ou des « besoins » *(ḥājāt)*, elle n'est licite qu'au niveau de ce qui est jugé par la stricte raison *(ḥaqīqī 'aqlī)* « adéquat » *(mulā'im)* aux dispositions de la Loi. Relève des *ḍarūrāt* l'obligation des tuteurs de faire subsister les mineurs ; relève des *ḥājāt* leur droit de les marier. Au-dessous, concernant les simples mesures d'amélioration *(taḥsīnāt)*, la *munāsaba*, d'une valeur très variable, mais qui ne représente alors de toute manière qu'un rapport « lointain » *(ġarīb)* et prend facilement un caractère subjectif, ne doit être admise qu'avec l'appui d'un « cas de base à identité précise » *(aṣl mu'ayyan)* : la seule considération de l'intérêt éthique, trop faible ici, risquerait d'être trompeuse et ne suffit pas. Il semble même que, renchérissant sur le *Šifā'*, le *Mustaṣfà* exige aussi cet *aṣl mu'ayyan* pour la validité de la « corrélation » qui porte sur les *ḥājāt*. Mais serrons de plus près la conception logique de notre auteur à propos de ces *taḥsīnāt*.

Il met dans cette catégorie l'incapacité juridique de l'esclave à témoigner, alors que son incapacité comme tuteur (2) relève, selon lui, de la catégorie précédente plus fortement assurée, celle des *ḥājāt* : sa tutelle, à cause du service permanent qu'il doit au maître, nuirait au mineur, tandis que le témoignage ne s'exerce qu'incidemment. Pour quelle raison donc le lui interdire. alors qu'on l'accepte comme transmetteur de Traditions ? Ce serait une fausse *munāsaba* que d'estimer contradictoire l'exercice d'une tutelle par une personne elle-même soumise à la tutelle du maître : il n'y aurait contradiction que s'il exerçait et subissait la tutelle sur le même objet ; le statut de la femme

(1) Le *Šifā'* suggère brièvement deux autres classifications possibles : la première par rapport aux sources légales, suivant qu'un texte est positif ou négatif ou n'existe pas, la seconde suivant que l'intérêt éthique à envisager est celui de tous ou du grand nombre ou d'un seul.

(2) *Wilāya* signifie bien ici « tutelle », comme le contexte en fait foi.

se prête à une observation similaire. On ne saurait non plus arguer valablement de la non-obligation pour l'esclave de faire la prière du vendredi : entre ces deux dispositions « pas la moindre odeur de *munāsaba* ». On justifiera donc l'invalidité de son témoignage par sa condition sociale inférieure et la « faiblesse de son état » *(ḍa'īf al-ḥāl)*, considérées comme incompatibles avec la pratique du témoignage, dont la position et la valeur juridico-religieuses sont à un niveau élevé. — Et voici maintenant un double exemple de rangement parmi les *taḥsīnāt* de ce qu'une mauvaise explication placerait au niveau un peu plus élevé des *ḥājāt* : la présence exigée d'un tuteur matrimonial, comme celle de témoins, pour la conclusion du mariage. Si le premier s'impose, ce n'est pas parce que les femmes se laisseraient aisément leurrer, mais à cause de la gêne qu'elles éprouveraient à participer directement au contrat ; s'il y faut des témoins, ce n'est pas pour bien établir la chose en cas de contestation — car le consentement de l'épouse n'est pas attesté —, mais c'est par souci des bonnes mœurs et d'une honorable publicité (1).

Il serait difficile de ne pas être frappé par le caractère un peu vague des généralités invoquées chaque fois en faveur du *ta'līl* dans ces *taḥsīnāt*, alors qu'al-Ġazālī lui-même, nous l'avons dit, réclame pour cette catégorie inférieure d'« affinités » le secours supplémentaire d'un « cas de base déterminé ». Le *Šifā'* procure heureusement à ce sujet, tout au moins avec des exemples aux conclusions négatives, un très utile éclaircissement. On part alors, dit-il, d'éléments effectivement « à identité précise » *(mu'ayyan)*, « particuliers » *(ḫāṣṣa)* ; on tire de chacun d'eux une « proposition plus large » *(qaḍiyya jumaliyya)*, et c'est entre ces propositions élargies qu'apparaîtra valable une *munāsaba*, dans le sens positif ou négatif. C'est par ce mode de raisonnement qu'est refusé notamment — nous l'avons relevé ci-dessus — le témoignage de l'esclave : on oppose la vilenie manifeste de son statut à la haute valeur qui doit être accordée au témoignage. Et l'on procédera de même pour justifier l'interdiction de vendre des choses impures telles qu'un cadavre ou du vin ; que l'on ne se contente pas de rappeler que le contact de ces impuretés invalide

(1) *Šifā'*, f^os^ 27 b - 35 b/pp. 159 suiv. ; *Mustaṣfà*, I, 140-141.

la prière ; entre la vente et la prière, prises dans leur spécificité respective, pas de véritable *munāsaba* ; mais cette *munāsaba* s'affirme et s'accepte si elle passe par des propositions plus larges, celles qui, ici encore, mettront l'accent sur la vilenie — pour les impuretés qui souillent — à opposer à une valorisation que la vente comporte normalement (1).

En liaison très étroite avec la *munāsaba*, l'accompagnant ou se substituant à elle, al-Ġazālī use fréquemment d'un autre vocable : *iḫāla*. Dans sa théorie du *ta'līl*, il qualifie, lorsqu'il y a lieu, de *muḫīl munāsib*, ou de *muḫīl* tout court, de *munāsib* seul, sans différence appréciable techniquement, un sens, un trait, une qualité. Le substantif verbal *iḫāla* (avec le participe adjectivé *muḫīl*) veut rendre certainement l'idée de la saisie par l'homme d'un rapport très probable de cause à effet, comme est la pensée que tel nuage va normalement donner la pluie : une sorte de persuasion intime, qui sans être une conviction absolue d'une part, ni un simple sentiment individuel d'autre part, vient nuancer et renforcer l'adhésion de l'esprit à cette « affinité » entre la « cause » et la « norme » qu'est, dans ce système, la *munāsaba*. Si l'*iḫāla* est possible aux échelons plus élevés du *qiyās*, elle n'y est jamais indispensable (2). D'où la quasi-synonymie, voire la synonymie, des deux termes qu'exprime la formule lapidaire : « *al-ma'nà bi-l muḫīl huwa l-munāsib* » (3). La *munāsaba* ainsi comprise avait pu, dans une génération antérieure, prêter le flanc à la critique : al-Ġazālī lui-même nous rappelle que le ḥanafite Abū Zaid ad-Dabūsī (mort en 1039) — il aime à bien des reprises le combattre — accusait précisément l'*iḫāla*, dans la *munāsaba* conçue de la sorte, d'un subjectivisme quiétiste, échappant de par sa nature à la discussion. Notre auteur s'élève là-contre en affirmant le caractère rationnel, et donc sainement opposable à un adversaire éventuel, du *muḫīl munāsib*. Puis il déplore — comme il le fait également ailleurs — les confusions multiples commises, selon lui, par les juristes dans

(1) *Šifā'*, f^{os} 29 b - 30 a/pp. 175-6.
(2) *Manḫūl*, f° 123 a-b/p. 344.
(3) *Šifā'*, f° 30 a/pp. 176-7.

la terminologie des *uṣūl* (1). Nous retrouverons vers la fin de la présente étude le problème de l'*iḥāla*.

La relation « cause-norme », *'illa* → *ḥukm*, tout à fait centrale dans l'opération du *qiyās*, a donné lieu encore à d'autres remarques et à d'autres débats. Elle ne saurait être identique, c'est bien certain, à la relation cause → effet du monde physique ou rationnel ; et l'on observera avec intérêt l'effort fourni par un maître de l'Islam tel qu'al-Ġazālī pour en mettre en lumière la spécificité. Son *Taḥḍīb al-uṣūl*, dont nous regrettons de ne pas disposer aujourd'hui, exposait, nous dit-il, les différences qui existent entre la *'illa šar'iyya* juridico-religieuse et la *'illa 'aqliyya*, relevant seulement de la raison (2). Du moins pouvons-nous, dans le *Šifā'* et le *Mustaṣfà*, glaner plusieurs indications utiles, et surtout y voir notre auteur aux prises avec des questions classiques sur le fonctionnement et, par là même, la nature de la *'illa šar'iyya*.

Cette dernière, en principe, n'est pas à confondre, comme des maîtres médiévaux ont tenu à le souligner, avec la « condition » *(šarṭ)*, ni même avec la « cause occasionnelle ou circonstance » *(sabab)*, dont il a fallu reconnaître néanmoins qu'elle ne se distingue pas toujours. Quoi qu'il en soit, « la cause » juridico-religieuse n'est pas l'image d'un déterminisme strict, a priorique et total, auquel la causalité physique elle-même demeure étrangère dans la pensée classique de l'Islam. La *'illa šar'iyya* est, plus modestement, un « signe ou signal » *('alāma)*. Al-Ġazālī admet qu'elle n'est pas indispensable pour toute « norme » : la Loi divine ordonne et décide sans qu'une « cause » soit toujours décelable ou supposée exister (3). Lorsqu'elle existe, nous avons vu les différents niveaux qu'il assigne à sa valeur contraignante, et comme substrats ou éléments de cette hiérarchie certaines notions complémentaires, dont quelques-unes font figure d'intermédiaires entre la *'illa* et le *ḥukm*. Ne jouant point ce rôle discriminatoire, mais pouvant s'insérer lui aussi opérationnellement entre *'illa* et *ḥukm*, voici à propos du *tanbīh* ou *īmā'* rencontré

(1) *Šifā'*, f° 25 a/pp. 142-3 ; cf. aussi f° 56 a/pp. 379-381.
(2) *Mustaṣfà*, II, 93.
(3) Notamment *Mustaṣfà*, II, 54, 67, 93.

ci-dessus — désignation scripturaire stylistiquement indirecte de la *'illa* — un autre concept : le *ma'nà* ou « signification » véritable à donner à la « cause » ainsi désignée. L'analyse offerte par Al-Ġazālī, en réplique à des objections possibles, est bien suggestive, et révélatrice du besoin de concilier une logique qui se veut rigoureuse avec les impératifs d'une conscience juridico-religieuse. Il soutient que le *ta'līl* existe et s'impose dès qu'est connue par *īmā'* — tantôt seul, tantôt pourvu lui-même d'un « indice » *(dalāla)* — la relation voulue par le Législateur entre un trait ou une qualité donnée *(waṣf)* et la « norme » ; le *waṣf*, en tant que *'illa* du *ḥukm*, est désormais irréfragable ; mais, attention ! il convient de ne le prendre en considération à ce titre qu'« en gros, d'une manière imprécise » *('alà l-jumla)*, pour décider en définitive si le texte doit être entendu simplement au pied de la lettre, dans son « expression formelle » *(ṣūra)*, ou au contraire, en vertu d'« indices » *(adilla)* fort variables, suivant la « signification » *(ma'nà)* qu'il implique et qui se saisit soit dans l'immédiat soit après quelque réflexion : il peut en résulter une interprétation élargissante, qui n'exclut pas pour autant une éventuelle élimination partielle. Exemple : la Tradition prophétique « le juge ne jugera pas en état d'irritation » ; l'irritation est bien la *'illa* de l'interdiction, mais dans ce qu'elle a d'essentiel, qui est le *ma'nà* qu'elle implique, c'est-à-dire l'affaiblissement de la raison ; et c'est lui qui entrera en ligne de compte dans l'interdiction de juger ; une faible irritation qui n'empêche pas l'esprit de fonctionner normalement ne tombera pas, en revanche, sous le coup de cette interdiction (1). Voici un exemple d'un autre ordre, plus subtil : le Coran (II, 229) autorise le divorce conventionnel avec renonciation au douaire par la femme — ce qui est classiquement le *ḫul'* — s'il y a crainte que les époux ne respectent pas les « limites » fixées par Dieu ; le *ḥukm* est ici la licéité de ce divorce conventionnel, sa *'illa* est la crainte qui vient d'être indiquée ; on pourrait, déclare al-Ġazālī, s'en tenir là ; mais il trouve au moins aussi judicieux de disséquer davantage : dans l'usage courant le *ḫul'* n'est pratiqué que lorsqu'il y a cette crainte, la crainte est « occasion » *(sabab)* de la pratique du *ḫul'* ;

(1) *Šifā'*, f^os^ 11 a - 13 b, 15 b/pp. 60 suiv. ; très résumé dans *Mustaṣfà*, II, 76 (haut).

donc la licéité du *ḫul'* se manifeste dans et par la *pratique effective* du *ḫul'*. Entre la « cause » et la « norme » est intervenu le « fait » *(fi'l)*. Mais l'intermédiaire *(wāsiṭa)* entre *'illa* et *ḥukm*, qui était dans l'exemple précédent « du côté de la *'illa* », est, dans celui-ci, « du côté du *ḥukm* » (1).

Ce sont, cependant, touchant la *'illa* par rapport au *ḥukm*, trois questions fortement débattues de son temps, qui ont davantage encore occupé al-Ġazālī : le *taḫṣīṣ*, le *tarkīb* et l'absence de *ta'diya*.

Le *taḫṣīṣ* est une « particularisation » ou « spécification » de la *'illa*, telle que sa présence n'entraîne plus celle du *ḥukm*. Est-ce acceptable doctrinalement ? Pour les uns, si *taḫṣīṣ* il y a, cela prouve la fausseté de la *'illa* ; pour les autres uniquement une limitation de son emploi. Le šāfi'ite Abū Ishāq [aš-Šīrāzī] (m. en 1083) en rejetait l'idée, non point qu'il refusât d'admettre une particularisation affectant le trait ou la qualité *(waṣf)* reconnue comme ayant valeur de *'illa* ; mais, selon lui, c'est l'« ensemble », *waṣf* et particularisation de ce dernier, qui constitue véritablement la *'illa* ; la suppression du *ḥukm* lorsque cet « ensemble » n'est pas réalisé est donc en vertu même de la *'illa*, et ne porte pas atteinte à celle-ci. Cette position est dictée, de toute évidence, par le souci de ne pas amoindrir la valeur causale de la *'illa* juridique en face de la cause d'ordre strictement rationnel. Al-Ġazālī, d'ailleurs, souligne que des divergences en la matière proviennent de ce que l'on attache le terme même de *'illa* tantôt à du proprement « rationnel » *('aqliyyāt)*, tantôt à des « motifs d'agir » *(bawā'iṯ)*, tantôt à des causes « coutumières » *('ādāt)* : contrairement à la théologie, le droit penche d'ordinaire pour cette dernière conception, qui se trouve faciliter l'admission du *taḫṣīṣ* (2). Mais de quelle manière et dans quelle mesure notre auteur lui-même l'accepte-t-il ? Il différencie trois sortes de cas, avec, pour le premier, le plus délicat, des distinguos supplémentaires. C'est d'abord ce que l'on nomme « infirmation » *(naqḍ)* de la *'illa*, lorsque la pleine extension de son effet est

(1) *Šifā'*, f^os^ 18 b - 19 a/pp. 102-3.
(2) *Šifā'*, f^os^ 66 a-67 b/pp. 471 suiv. ; *Mustaṣfà*, II, 93, 96.

empêchée par un élément contraire : si ce dernier est une « exception » *(istiṯnā')* portant, peu importe, aussi bien sur une *'illa* indubitable que sur une *'illa* opinative, la *'illa* se « particularise » à ce qui reste en dehors de l'exception ; s'il est autre qu'une exception, la *'illa* ainsi atteinte, lorsqu'elle est textuelle et indubitable, n'était donc pas jusque-là complètement formulée, tandis que le sort de la *'illa* opinative dépendra de la force originelle que lui accordera le jugement des docteurs. Les groupes deux et trois ne comportent pas de semblables subdivisions : il s'agit soit d'une *'illa* dont l'« intégrité » *(kamāl)* est reconnue — par exemple pour le statut de l'enfant de la femme esclave —, mais dont le *ḥukm* est repoussé par une *'illa* contraire dans un cas spécial, soit de l'invalidité de la *'illa* du fait que son objet ou les conditions qu'elle pose viennent à faire défaut : pas de problème théorique, alors, pour les juristes, même si les fervents de la dialectique tiennent à alimenter sur ce thème leurs débats (1).

On retrouve, par contre, des distinctions du même genre que ci-dessus à propos du *tarkīb*, c'est-à-dire de la coexistence de deux *'illa* pour un même *ḥukm*. Est-elle possible, aux yeux d'al-Ġazālī ? Après avoir penché pour la négative dans le *Manḫūl* (2), il répond « oui » plus tard, en prenant bien soin de faire comprendre la *'illa* légale comme un « signal » *('alāma)*, et non comme une cause d'ordre proprement rationnel ; mais encore estime-t-il nécessaire de pousser l'analyse et de nuancer, dans le *Šifā'*, plus même que dans le *Mustaṣfà*. Sur le plan des « motifs d'agir » (p. ex. la pauvreté ou la parenté comme incitation à la charité), ou de conditions posées faisant office de *'alāmāt* (tu seras répudiée si ... et tu seras répudiée si ...), deux *'illa* peuvent valoir, pour le même *ḥukm*, ou ensemble ou séparément. Il arrive aussi que la Loi ait une solution identique — peine de mort, interdit matrimonial — à partir d'actes ou de situations qui diffèrent ; mais, il faut y prendre garde, ce même *ḥukm*, également provoqué par deux *'illa* distinctes (ou

(1) *Šifā'*, 64 b - 70 b/pp. 458 suiv. ; *Mustaṣfà*, II, 93-96.

(2) *Manḫūl*, f° 144 b/p. 398, où il est souligné que la question ne datait que d'une cinquantaine d'années.

par plusieurs), ne dépend évidemment pas de leur conjonction *(Šifā')*. Si toutefois *(Mustaṣfà)*, chez le même sujet, deux *'illa* (ou plusieurs) ayant un *ḥukm* identique, se rencontrent, al-Ġazālī, contre l'avis d'aucuns, refuse d'y voir théoriquement autre chose qu'un *ḥukm* unique, effet unique d'une dualité (ou pluralité) de *'illa*. Quid de l'apparition d'une deuxième *'illa* lorsqu'une première était déjà établie ? Pour les uns, point de gêne à les admettre ensemble à moins d'une totale contradiction ; pour les autres — et tel est bien le sentiment de notre auteur —, cela n'est vrai que si la première *'illa* est solidement fondée, sur texte ou sur consensus ; si elle n'est qu'opinative, elle risque d'être ébranlée et il se peut qu'une préférence doive être accordée à la deuxième *'illa* (ex. : l'aumône que l'on voit faire à un pauvre, en principe pour sa pauvreté, l'est parfois davantage à cause de sa parenté avec le donateur) (1). En conséquence d'une dualité (ou pluralité) possible de *'illa* (pl. *'ilal*), l'exigence supplémentaire formulée par certains pour la validité de la relation *'illa* → *ḥukm*, de sa constante « réversibilité » *('aks)* — ou en d'autres termes non-*'illa* → non-*ḥukm* — est repoussée comme illogique, sauf négation de la totalité des *'ilal* possibles pour un *ḥukm* donné (2).

Enfin, la question concernant l'absence de *ta'diya* est d'une importance particulière, parce que ḥanafites et šāfi'ites se sont sur elle obstinément combattus. Les ḥanafites ne reconnaissent de *'illa* que dotée d'une « transitivité » *(ta'diya)*, c'est-à-dire susceptible d'être mise en œuvre dans un cas dérivé à partir du cas de base. Les šāfi'ites, au contraire, acceptent qu'une *'illa* soit « intransitive » *(qāṣira)*, intransmissible à un cas dérivé. L'argumentation pour et contre est très serrée, souvent subtile sous son revêtement scolastique, mais instructive si on la ramène à l'essentiel. L'opposition, en effet, se fonde sur la conception même de la fonction de la *'illa* par rapport au *ḥukm*. Les ḥanafites ne recourent pas à la *'illa* pour poser le *ḥukm* du cas de base ; mais il la font pourtant entrer en jeu, à partir même

(1) *Šifā'*, f^os^ 70 b - 72 b/pp. 514 suiv. ; *Mustaṣfà*, II, 96-97.

(2) *Mustaṣfà*, II, 97-98, où est aussi critiqué le sens donné par les ḥanafites à ce *'aks*.

de ce cas de base, pour poser le *ḥukm* du cas dérivé ; il n'est donc pour eux de *'illa* d'un cas de base que dans la mesure où un cas dérivé le justifie. Les šāfi'ites, au contraire, et al-Ġazālī parmi eux, commencent par dégager et justifier la *'illa* du cas de base, pour examiner ensuite si elle est extensible à un cas dérivé ; la *ta'diya* est consécutive à la validité d'origine ; « comment le conséquent d'une chose serait-il ce qui vient la valider ? » Une fois de plus, notre auteur assure que si l'on s'entendait sur le sens des termes, on s'entendrait sur le fond ; et c'est en raffinant sur les notions de *'illa*, de « validité » *(ṣiḥḥa)*, d'« invalidité » *(buṭlān)*, qu'il tente de réduire ses adversaires et de supprimer la *ta'diya* comme condition préalable du *ta'līl* (1).

Nous allons maintenant descendre sensiblement dans la hiérarchie des valeurs en passant du *qiyās al-'illa* au beaucoup moins solide *qiyās aš-šabah*. L'analogie y repose sur une « similitude », en principe peu contraignante bien qu'opinativement acceptée, parce qu'elle ne dispose pas d'un moyen terme qui soit pleinement *'illa* pour le *ḥukm*. C'est ainsi que la ressemblance de l'esclave sera tantôt avec l'homme libre, tantôt avec l'animal ; car si, d'un côté, il jouit de certaines facultés de disposition comme l'homme libre, d'un autre côté, comme l'animal, il est possédé et ne possède pas. Pareille incertitude ne se prête guère, on le conçoit, à une rigoureuse formalisation. Cependant, une question soulevée et traitée en liaison avec le *qiyās aš-šabah*, celle du *ṭard*, sur laquelle nous reviendrons dans un instant, est l'occasion d'une mise en place plus précise, dans le *Manḫūl* d'abord, puis dans le *Šifā'* qui s'y réfère, enfin dans le *Mustaṣfà* qui tente une présentation partiellement renouvelée (2). Le *šabah* n'atteint pas — il y est beaucoup insisté — au niveau du *muḫīl* ; il ne peut se prévaloir d'une « affinité » *(munāsaba)* directe avec le *ḥukm*. Mais al-Ġazālī le réhabilite et le renforce dans une assez large mesure en lui accordant qu'à défaut de

(1) *Šifā'*, f^os^ 72 b - 73 b/pp. 537 suiv. ; *Mustaṣfà*, II, 98-99 ; et, pour confirmation de la thèse ḥanafite, Saraḫsī, *Uṣūl*, éd. Caire, 1954, t. II, pp. 158-160.

(2) *Manḫūl*, f^os^ 137 b - 140 a/pp. 378-384 ; *Šifā'*, f^os^ 42 a - 56 a/pp. 303 suiv. ; *Mustaṣfà*, II, 81-86.

saisir pleinement ou de faire apparaître rationnellement un lien de cette nature, il en suggère ou tout au moins en « donne à soupçonner » *(yūhim)* l'idée. La similitude suppose même une « qualité » *(waṣf)* ou trait commun, qui n'est point à proprement parler *'illa* et n'a point d'« affinité » directe avec le *ḥukm*, mais qui possède une « affinité avec la *'illa* du *ḥukm* ». Ainsi, par un détour, par un « intermédiaire » *(wāsiṭa)*, en recourant « par une sorte de nécessité *(ḍarūra)* » au signal *('alāma)* jugé le plus pertinent en direction de la *'illa*, le *qiyās aš-šabah* s'efforce de recouvrer sur le plan logique une certaine dignité. Al-Ġazālī va jusqu'à déclarer que le plus grand nombre peut-être des *qiyās* opérés par les juristes est susceptible d'y être ramené.

Reste le *ṭard* (ou *iṭṭirād*), auquel il vient d'être fait allusion. Le *qiyās aṭ-ṭard* est celui qui prétend se fonder, *à défaut* d'une « affinité » entre un « trait » *(waṣf)* et un *ḥukm*, sur leur « coextension », en ce sens du moins que lorsque le trait existe, existe aussi le *ḥukm*. Malgré certaines réserves exprimées, les textes complètent ici très souvent cette notion, sans distinction théorique toujours suffisante, par celle de *'aks* ou « réversibilité » — revenant à non-*waṣf* → non-*ḥukm* — dont nous avons vu ci-dessus qu'elle est mal admise pour la *'illa*. Qui dit *'illa*, au contraire, dit *ṭard*, comme l'énonce al-Ġazālī. Mais le *ṭard* à lui seul, même s'il convient de l'accompagner du *'aks*, est-il, *en cette absence* d'une « affinité » qui lui donnerait du poids, une condition suffisante pour un *qiyās* ? Les avis ont été là-dessus très partagés. Notre auteur a d'abord hésité ; plus tard, en soulignant que la terminologie de ses devanciers ou de ses contemporains est souvent trompeuse, en insistant sur la défiance injustifiée à ses yeux dont le *qiyās aṭ-ṭard* est trop fréquemment l'objet, il s'efforce d'apaiser la controverse par des analyses ingénieuses et une solution nuancée. Si la coexistence entre *waṣf* et *ḥukm* ne consiste qu'en un simple *accompagnement* (préposition *ma'* = avec), la voie du *ṭard* est insuffisante, tandis que serait admissible celle du *šabah*, pourvue d'atouts supplémentaires. Le *ṭard*, en revanche, est apte en principe, sauf apparition d'un *waṣf* plus pertinent, à fournir un *qiyās* valable si l'on peut se permettre de prétendre que l'existence de son *ḥukm* est *due à* (préposition *bi* = par) celle de son *waṣf*. Au surplus, à ce niveau

de la « non-affinité » *(šabah* ou *ṭard)*, toute relation conçue est invitée à céder le pas, s'il y a lieu, à une relation plus pertinente. Voici un *ṭard*, assurément fautif : le vinaigre est un liquide sur lequel on ne construit pas de pont, donc il ne supprime pas l'impureté ; ou bien : l'eau est un liquide sur lequel on construit des ponts, donc elle supprime l'impureté. Or, si l'eau supprime l'impureté, c'est pour une raison que Dieu seul connaît ; la construction des ponts n'a rien à y voir, évidemment.

Alors que *šabah* et *ṭard* paraissent, au premier abord, se définir bien différemment, leur très étroite parenté, voire chez plus d'un leur confusion, est un trait dominant dans le traitement traditionnel de la matière. Al-Ġazālī s'est attaché à bien marquer ce qui, technologiquement et axiologiquement, les sépare, tout en mettant l'accent sur leur très forte connexion. Le *ṭard*, contrairement au *šabah*, et c'est en cela qu'il lui est inférieur, ne fait pas comprendre le *ḥukm*, même « par intermédiaire », et n'atteint pas non plus à un degré de « grande probabilité opinative » *(ġalabaṭ aẓ-ẓann)*. Mais leur caractère commun est néanmoins affirmé avec vigueur, non seulement du fait que le *šabah* implique nécessairement en lui-même un *ṭard* — comme tout *qiyās* valable —, mais surtout parce qu'en fin de compte le *šabah* n'est guère qu'un *ṭard* privilégié, doté d'un petit « quelque chose en supplément *(ziyāda)* ». Aussi leur « nature essentielle » *(ḏāt)* est-elle identique, et l'on ne saurait parler à leur sujet de deux « genres » *(jins)* distincts. Et al-Ġazālī ne craint pas de dire que renier le *ṭard* obligerait à renier le *šabah* (1).

Nous voici parvenus au bas de l'échelle, après avoir, en compagnie de notre auteur, descendu les degrés qui mènent de la connaissance solide » *('ilm, ma'lūm)* ou « péremptoire » *(maqṭū' bih)* — soit « immédiate et spontanée » *(awwalī badīhī)*, soit « réfléchie » *(fikrī naẓarī)* — à l'« opinatif » *(ẓannī, maẓnūn)* plus ou moins probable, plus ou moins « manifeste » *(jalī)* ou « caché » *(ḫafī)* (2). Du reste, dans sa pensée, explicitée à bien

(1) Cf. note précédente, à compléter par *Manḫūl*, f^{os} 123 a, 126 a/pp. 340, 348-350.

(2) Notamment *Šifā'*, f° 10 a/p. 54.

des reprises, l'« opinatif » légal n'est pas détaché complètement du « péremptoire » ; c'est celui-ci qui lui donne poids et autorité : « quand on adopte une *'illa* opinative conçue comme telle, c'est qu'on pose péremptoirement l'existence de l'opinatif, et qu'on pose péremptoirement l'existence du *ḥukm* en concomitance *('ind)* avec l'opinatif ». Il en est de même de l'« effort personnel » *(iǰtihād)* : le *ẓannī* y est en vertu d'un *ḥukm qaṭ'ī*. Mais l'*iǰtihād*, de toute manière, contrairement à l'affirmation d'aš-Šāfi'ī dans sa *Risāla* (1), ne se confond pas avec le *qiyās*, que d'une part il déborde, et où d'autre part il n'a pas toujours à intervenir.

Il serait possible d'allonger sensiblement cet exposé en mettant à contribution les sections des mêmes ouvrages consacrées aux conditions de validité du *ḥukm*, du cas de base, du cas dérivé, ou encore à celles qui « contredisent ou vicient » *(i'tirāḍāt, mufsidāt)* le *qiyās* en lui-même ou en ses divers éléments. Mais une grande partie de leur contenu détaillé peut sans dommage être regardée comme négligeable pour notre propos : les répétitions y abondent, sous des formes à peine modifiées, et l'on y relèverait des mises en garde contre des erreurs logiques évidentes, par un souci sans doute didactique d'examen total et de systématisation. Quelques principes, néanmoins, sont à extraire et à retenir. On ne doit pas opérer de *qiyās* sur un autre *qiyās*, ni pour asseoir une obligation religieuse déjà solidement fondée. Le *qiyās* est licite sur toute « norme » *(ḥukm)* dont on peut « établir le motif » *(ta'līl)*. Tandis que le *qiyās* est illicite sur l'exception à une règle générale quand on ignore la raison de cette limitation, il est licite quand on la connaît. Et ceci, dont la portée doctrinale est grande : le *ḥukm* du cas de base est exclusivement posé par la voie « traditionnelle et légale » *(sam'ī šar'ī)*, celle des textes scripturaires et du consensus ; et il faut au reste prendre garde à ne pas l'altérer par l'énonciation du motif. Parmi les questions controversées entre les docteurs : le *qiyās* est-il licite sur une « tradition dite par voie unique » *(ḫabar al-wāḥid)?* al-Ġazālī répond par la négative ; — est-il à exclure en matière pénale ? al-Gazālī, fidèle à la ligne šāfi'ite, estime que non. Pour le culte en revanche, il recommande d'être

(1) *Risāla*, éd. Caire, 1940, § 1323-1326.

circonspect et sa seule exclusive totale concerne les principales formules rituelles de la prière canonique (1).

On ne saurait manquer d'être frappé par la constance avec laquelle notre auteur tend à avantager, voire à privilégier autant qu'il se peut, dans sa théorie du raisonnement juridique par analogie, le scripturaire sur le proprement « rationnel » *('aqlī)*. Disons que pour lui, en dernier ressort, et quelle que soit la part du rationnel, c'est le fondement scripturaire (ou le consensus) qui l'emporte dans l'analyse et qui justifie le tout. Partisans et adversaires du *qiyās* s'affrontaient sur ces deux points : rationnellement, est-il inadmissible, admissible ou obligatoire ? Y a-t-il contre lui ou en sa faveur un argument spécifiquement religieux ? Pour al-Ġazālī, qui combat vigoureusement les thèses contraires, la raison laisse le champ libre sans interdire ni exiger, encore qu'elle estime utile qu'on puisse en user ; c'est l'argument traditionnaliste religieux qui détermine l'acceptation définitive et valorise l'opération (2).

Plus parlante encore et plus remarquable est la démonstration qui fait l'objet de tout son ouvrage intitulé *Asās al-qiyās*. Il y affirme catégoriquement dès l'entrée et il veut prouver ensuite par le menu que le *qiyās* est toujours inséparable d'un « enseignement » ou « instruction » d'origine divine ou islamo-communautaire qui est bien ce que l'on entend par le terme technique de *ṭauqīf*. En vérité, « la Loi tout entière est *ṭauqīf* », bien que les neuf dixièmes de la réflexion dans le *fiqh* relèvent de la « pure raison » *('aqlī maḥḍ)*. Si l'on n'abuse point du terme de *qiyās*, si notamment on ne l'applique pas au raisonnement par l'universel — ce qui n'empêche pas, une fois la *'illa* fixée, d'universaliser le *ḥukm* — ou au rattachement de la chose à son semblable par le seul motif qu'elle lui ressemble, il n'y a pas de dualité oppositionnelle entre *qiyās* et *ṭauqīf*. Certes, les modalités de ce dernier sont multiples (parole, action, allusion,

(1) *Manḫūl*, f^os^ 146 a - 158 a/pp. 401-425 ; *Šifā'*, f^os^ 78 b - 85 b/pp. 600 suiv. ; *Mustaṣfà*, II, 58, 67.

(2) *Manḫūl*, f^os^ 115 b - 117 b/pp. 324-332 ; *Mustaṣfà*, II, 56-58, 65-69.

silence), comme sont multiples ses points d'intervention : il est besoin de lui pour décider « si le genre de la « signification » *(ma'nà)* considérée entre bien dans celui du *ḥukm* », ou pour établir ou nier une ratio legis, ou pour faire connaître comment cette ratio se dégage de tout ce qu'elle ne doit pas englober et englobe tout ce par quoi elle doit compter. La seule « vue personnelle » *(ra'y)* n'y suffit pas (1).

Dans la deuxième partie du livre, il passe en revue, dans le même but, ce qu'il appelle les dix « voies » *(masālik)* pour le « dégagement du déterminant de la norme » *(tanqīḥ manāṭ al-ḥukm)*, en donnant à cette expression un sens beaucoup plus étendu qu'il ne sera retenu dans le *Mustaṣfà* (2). La première voie, qu'il reconnaît ne pas être toujours du *qiyās*, est celle du rattachement qui s'impose à la « signification du cas de base » ; le problème soulevé n'est pas très sévère, non plus que pour la troisième voie, celle de l'« avertissement de l'inférieur au supérieur » *(tanbīh bi-l-adnà 'alà l-a'là)*, c'est-à-dire de l'*a fortiori*, quand du moins celui-ci est d'ordre « péremptoire ». L'affaire est plus délicate pour la deuxième et la quatrième voies, qui seraient identiques à la première et à la troisième si elles n'étaient d'ordre « opinatif ». Al-Ġazālī raisonne alors ainsi : la mise de côté, qui permet le *qiyās*, d'un caractère distinctif entre cas de base et cas dérivé ne doit se faire que si l'on a tout au moins « flairé l'odeur » *(istinšāq rā'iḥa)* du déterminant de la norme, à défaut de le saisir pleinement. Pour l'*a fortiori* opinatif, voici un exemple : l'expiation d'un meutre non-intentionnel étant l'affranchissement d'un esclave croyant (Coran, IV, 92), elle est due à plus forte raison s'agissant d'un meurtre intentionnel ; on pourrait objecter que ce type d'expiation ne convient pas pour les plus grands crimes, punis de mort ; mais on répliquera que la Loi l'ordonne également pour telle autre très grave infraction ; et puis, s'autorisant de l'usage de la langue arabe et du dire islamiquement admis que « le *ḥukm* sur un est un ḥukm sur l'ensemble », on estimera qu'une prescription ne se limite pas en principe à l'expressément énoncé : sa particularisation est

(1) *Asās*, f^os^ 178 b - 188 a.
(2) Voir ci-dessus.

subordonnée à la prise en considération formelle d'un caractère distinctif (1).

Les voies cinq à huit, qui rappellent approximativement les modes supérieurs du *qiyās* rencontrés ci-dessus, permettent des rattachements assez faciles aux sources scripturaires ou au consensus. Nous sommes en droit d'attendre avec plus de curiosité la neuvième voie, celle du *qiyās aš-šabah*, où le rapport avec la base est par définition même plus distendu. Comment, par exemple, justifier que l'on étende l'interdiction de l'usure au delà des six matières usuraires textuellement désignées, notamment à un aliment tel que le coing, alors que le caractère alimentaire n'a pas, techniquement parlant, d'« affinité » avec l'interdit ? Une première réponse est que « les Compagnons du Prophète se gardaient de l'usure sur le pain, la farine, la pâte ; cela prouve que l'usure n'est pas liée au mot froment, puisqu'elle subsiste quand celui-ci ne s'applique plus ; le *ḥukm* se rapporte donc à une qualification plus large », que la raison, puis les « indices » *(dalālāt)* fournis par la Loi permettent de déterminer comme étant le caractère alimentaire. L'appel au consensus des Compagnons du Prophète, même s'il n'intervient que partiellement, ne réduit-il pas la pertinence de cette analyse en tant qu'illustration du *šabah* ? Une deuxième réponse entre davantage dans le vif, toujours sur le thème de l'aliment comme matière usuraire et pour soutenir la même solution. On n'y invoque point d'*ijmā'* ; mais l'élimination des caractères concurrents possibles y est faite par confrontations successives deux à deux, à l'aide du critère qui accorde la préférence à ce qui « donne à soupçonner l'implication d'une utilité (éthico-religieuse) » *(yūhim inṭiwā' 'alà maṣlaḥa)* (2). C'est bien, nous l'avons déjà vu, sur cette dernière base qu'al-Ġazālī asseoit le *qiyās aš-šabah.* Mais comment ne pas rapprocher les deux exemples qu'il en donne ici, et le procédé d'élimination qu'ils comportent, du *sabr wa-ṭaqsīm* rencontré ci-dessus, à un niveau plus élevé, et de l'application quasi identique qu'il en présente ? La démarcation est bien délicate, si l'on parvient même à la préciser.

(1) *Asās,* f^{os} 190 a- 193 b.
(2) *Asās,* f° 195 a-b.

Enfin, dixième et dernière de ces voies, qu'il est semble-t-il, un peu surprenant de trouver seulement à cette place : l'*iḫāla*, cette présomption de convenance que nous avons eu à cerner plus haut. Elle offre à l'auteur, il est vrai, une excellente occasion de soutenir sa thèse du *tauqīf*, dans la même ligne générale qu'à propos du *šabah*, mais avec une argumentation plus poussée, plus dialectique, qui contribue à mettre en lumière le fond de la pensée. Il en résulte que l'autorité du *muḫīl* réside dans son aptitude à atteindre à la plus forte probabilité opinative dans la recherche des motifs de la Loi ; et cette probabilité doit tenir essentiellement compte des « habitudes » *('ādāt)*, notamment celles de la Loi : pour le même type d'impuretés sortant des corps, on applique aux femmes les mêmes règles qu'aux hommes, parce que la Loi, hormis une exception unique, n'a pas l'habitude de différencier en cela. Où est le *tauqīf* ? Dans le fait que les Compagnons du Prophète, dans le sillage du Prophète lui-même, ont été d'accord pour suivre la plus forte opinion probable en référence aux « habitudes » dominantes. L'enseignement des Compagnons, qui est *tauqīf*, est connu par leurs actes aussi bien que par leurs paroles (1), ce qui achève d'éclairer pour nous l'exemple précédemment donné à propos du *qiyās aš-šabah*.

* * *

Au cours de la présente étude nous nous sommes efforcé de démonter, puis de reconstituer tranche par tranche un système ; car c'est bien un système que représentent, en la matière, les idées d'al-Ġazālī. A-t-il réussi dans cette tentative de cohérence, voire de structuration ? Oui, pour une large part, en dépit de quelques flottements mineurs, rendus plus sensibles par la pluralité des ouvrages qui s'échelonnent à des dates variées. Sources religieuses et exercice de la raison, telles sont les deux grandes composantes dont la première a primauté ; et à elle se ramène en définitive le fondement reconnu de cette logique, plus

(1) *Asās*, f^os^ 196-198.

subordonnée en réalité à des décisions préalables et à des vues traditionnelles qu'elle ne s'organise et opère librement. Pareille aventure est loin d'être isolée dans l'Islam médiéval, qui prisait fort les *uṣūl al-fiqh* ; chez notre auteur elle est particulièrement méritoire par l'approfondissement du problème et par les analyses théoriques qui, pour ne pas être toujours convaincantes, n'en sont pas moins habilement conçues. Une scolastique parfois forcée n'en est pas absente ; mais il ne pouvait guère alors en être autrement. S'il arrive que l'expression soit trop brève ou qu'elle soit diffuse et embrouillée, la reprise du thème en des chapitres ou en des livres différents a permis de remédier le plus souvent soit à des insuffisances soit, au contraire, aux inconvénients d'une certaine prolixité. Al-Ġazālī avait conscience de la difficulté de l'entreprise, lorsqu'on désire comme lui la pousser à fond ; et il n'était pas convaincu que tout lecteur pût véritablement comprendre. Souhaitons seulement, quant à nous, ne pas tomber sous le coup de l'avertissement sarcastique qu'il a mis en tête de son *Šifā'* :

فاما الجامد البليد

فهو عن مقصد هذا الكتاب بعيد

« A l'esprit figé et borné le dessein de ce livre échappera ».

Robert Brunschvig
(Paris)

LE *ṢAYD AL-ḤĀṬIR* D'ABŪ L-FARAĞ IBN AL-ĞAWZĪ

PRÉLIMINAIRES BIO-BIBLIOGRAPHIQUES

1. *L'auteur.*

'Abd al-Raḥmān Ibn 'Alī Abū l-Faraǧ Ibn al-Ğawzī (1) que nous désignerons ici par I. G. est né à Bagdad dans les premières années du VI^e/XII^e siècle (l'approximation varie de 508 à 513/1114-1120) dans une famille de commerçants. Orphelin de père, il fut très tôt, confié par sa mère et sa tante à un maître hanbalite, Abū l-Faḍl b. Nāṣir, qui exerça sur sa formation une profonde et durable influence et le poussa vers toutes les sciences enseignées à l'époque : ainsi I. G. rapporte-t-il qu'il a suivi l'enseignement de quatre-vingt-sept maîtres.

Il remporta très vite d'éclatants succès de sermonnaire qui lui assurèrent un prestige considérable sur les masses (2), tout en lui attirant de solides inimitiés. Protégé par le califat qui voyait dans sa personnalité virulente, un instrument du retour à l'orthodoxie, et dans le hanbalisme, un moyen d'affirmer

(1) Nous avons fait du *Ṣayd al-ḫāṭir* une traduction (thèse pour le doctorat de troisième cycle soutenue en Sorbonne en 1970) à partir des éditions suivantes : a-Muḥammad al-Ġazālī, 1 vol., Dār al-Kutub al-ḥadīṯa, Le Caire, s.d. b- 'Alī et Nāǧī Ṭanṭāwī, Dār al-Fikr, 3 volumes, Damas, 1960. Cet article reprend avec quelques modifications l'Avant-Propos que nous avions donné à ces Propos d'Ibn al-Ğawzī. Nous tenons à remercier ici M. le Professeur R. Brunschvig des remarques qu'il a bien voulu nous faire et dont nous avons tenu le plus grand compte.

(2) Voir les pages que lui consacre Ibn Ğubayr dans sa *Riḥla*, Beyrouth 1959, 253 sqq.

l'indépendance politique de la dynastie abbasside vis-à-vis des Seldjoukides, il a joué, semble-t-il, un rôle politique de diffusion et de propagande, sans pour autant occuper de charge officielle dans l'administration califienne. Quoi qu'il en soit, son influence fut déterminante dans la lutte contre le chiisme.

Le Calife al-Nāṣir, qui accéda au trône en 575/1180, supporta longtemps l'humeur intransigeante d'I. G., mais celui-ci finit par tomber en disgrâce et, en 590/1194, fut conduit en résidence surveillée à Wāsiṭ où il demeura cinq ans dans une solitude à peu près totale. Son retour à Bagdad souleva de grands déplacements de foule, mais il devait s'éteindre, en 597/1201, non sans avoir repris son activité de sermonnaire (1).

Son œuvre est immense et couvre tout le champ du savoir de son époque.

2. *L'œuvre.*

S'il est parfois difficile de cataloguer telle ou telle œuvre de la littérature arabe classique selon des critères et une terminologie valables pour des genres développés à une autre époque par une autre civilisation — et l'on s'en tire habituellement en la déclarant « littérature d'adab » — il semble que cette difficulté soit plus grande encore concernant la production d'I. G. En effet, les sujets s'y contaminent, les développements s'y entrecroisent, les répétitions y foisonnent de même que les contradictions, le tout étant baigné par des préoccupations nettement moralisantes.

Pour nous, il n'est point question de proposer ici une nouvelle classification qui permettrait d'évacuer le concept de « genre », mais nous voudrions seulement, dans cette simple approche bibliographique, ébaucher deux lignes directrices qui devraient recouper les préoccupations les plus manifestes de l'auteur. En effet, le trait fondamental de la personnalité d'I. G. est le besoin, partout signifié, d'atteindre à la Sagesse.

D'une part, cette sagesse est, à ses yeux, conditionnée par l'équilibre psycho-physiologique de l'individu, d'où une curiosité

(1) Nous renvoyons pour plus de détails à : Ibn Raǧab, *Kitāb al-Ḏayl ʿalā Ṭabaqāt al-Ḥanābila*, I, Le Caire, 1372/1952 et H. Laoust, E.I. (2), III.

assez générale pour la nature et, tout spécialement, pour les questions de nutrition (ce qui l'a conduit d'ailleurs à rédiger quelques traités de médecine).

D'autre part, elle s'identifie, au niveau doctrinal, avec le hanbalisme qui devait garantir, dans le contexte socio-culturel de son époque, 1. le maintien d'un certain équilibre entre Science et Foi — que nombreux, soufis, ascètes, dévots d'une part et gens de tradition, de jurisprudence ou de théologie d'autre part, avaient tendance à rompre — et 2. peut-être, par projection dans le politique, la meilleure sauvegarde contre les menaces qu'il sentait poindre à l'Est.

Doué pour la sagesse avec, cependant, un tempérament combatif, il n'est point trop étonnant qu'il ait été, comme on s'accorde à le dire, moraliste et sermonnaire, homme de parole donc et brillant, fluide, acerbe, lyrique, au savoir inépuisable mais non toujours sans lacune. On ajoute aussi qu'il est « l'un des polygraphes les plus féconds de la littérature arabe » (H. Laoust), homme d'écriture donc, auteur d'environ deux cents ouvrages dont, parmi ceux qui nous ont été conservés, plus de trente sont édités (1). Il serait toutefois illégitime de penser que ces deux formes d'activité, parole/écriture, aient pu être contradictoires ou, à tout le moins, sans relation. I. G. avait parfaitement conscience de toucher par elles deux publics différents (auditeurs et lecteurs), il y revient souvent, et nous sommes convaincu qu'il faut les considérer comme deux aspects complémentaires d'un *militantisme* intellectuel. Si donc nous devions établir une partition de son œuvre, nous ferions passer une frontière non imperméable entre ce que l'on pourrait appeler le travail préliminaire de *collection* et *l'élaboration terminale*, écrite ou parlée, des matériaux déjà réunis.

Nous classerions dans la première catégorie tous les écrits techniques portant sur les sciences coraniques, la tradition, le fiqh et destinés à apporter les *preuves* ; nous y joindrions tous ceux qui témoignent de sa curiosité (médecine, histoire, langue, géographie, mœurs ...) que l'on peut prendre comme un « fichier »

(1) Voir l'excellente étude bibliographique que lui a consacrée A. H. al-ʿAllūǧī : *Muʾallafāt Ibn al-Ǧawzī*, Bagdad, 1385/1965.

monumental destiné, lui, à fournir les *exemples* ; enfin, troisième sous-catégorie, les écrits qui sont comme une première *application* d'une réflexion toute personnelle sur le savoir, et à partir de lui, ainsi amassé, et parmi lesquels nous placerions le *Ṣayd al-ḫāṭir* (que nous désignerons désormais par S.H.).

Nous classerions dans la seconde catégorie tous les sermons et certaines œuvres menées d'une manière systématique comme le justement très célèbre *Talbīs Iblīs*. Il conviendrait, bien évidemment, dans une catégorisation bibliographique plus fine, de faire intervenir l'élément « chronologique » car I. G. a été étroitement mêlé aux événements qui ont marqué la deuxième moitié du VI^e^/XII^e^ siècle.

3. *L'ouvrage.*

Le S.H. semble avoir été composé au fil des jours sur une période de quelque vingt années : des points de repère sont donnés, ainsi 561/1166, 565/1169, 575/1180 et quand il est fait allusion à un différent doctrinal qui opposa l'auteur à l'un de ses confrères hanbalites, lequel devait mourir en 583/1188. Mais il est impossible de savoir quand cet ouvrage a été commencé et quand il a été terminé.

Qu'est-ce donc que le S.H. ? Avant de tenter de répondre à cette question, il est peut-être bon de dire ce qu'il n'est décidément pas.

Tout d'abord, il n'est pas un livre d'enseignement, et pourtant il s'adresse, d'une façon générale, à un lecteur-auditeur anonyme dont il désire ouvrir les yeux.

Il n'est pas non plus une chronique et pourtant il renferme des renseignements d'une grande richesse sur les mœurs, la société et les événements.

Il n'est pas, enfin, une autobiographie et pourtant l'auteur est toujours présent mais ne parle de lui qu'avec cette pudeur habituelle aux écrivains arabes qui voilent toute circonstance un peu trop personnelle.

LE *ṢAYD AL-ḪĀṬIR* OU : « L'AFFÛT DE L'ESPRIT »

Il est possible, nous le suggérions plus haut, de considérer le S.H. comme une contribution à la connaissance aussi bien générale de l'évolution de la pensée musulmane, par les filiations qu'il affirme, que particulière de la vie sociale ou intellectuelle à Bagdad au VI^e^/XII^e^ siècle, par projection sur l'histoire, l'hérésiographie, l'ethnologie et autres sciences humaines ; mais il serait, nous semble-t-il, inadéquat, et de toute façon, démesuré dans ce cadre-ci qui est d'abord de présentation et non d'érudition, de moissonner, fût-ce pour atteindre au confort d'une épistémè positive et rassurante, une documentation, utile sans aucun doute mais à tout prendre, seconde. Par rapport au dessein même de l'auteur.

Car le S.H. n'est pas d'abord une somme paisible d'idées sédimentées qu'une approche transcendante arriverait proprement à dégager, mais un acte de réflexion sans cesse affirmé. Réflexion qui, n'ayant, la plupart du temps, d'autre destination que de prendre conscience d'elle-même et s'exerçant sur le monde et l'homme par le verbe même de l'auteur, révèle, tout naturellement, une partition mythique de l'Univers.

C'était donc dans la texture, proprement dite, de l'énoncé, et en remettant à plus tard, pour la situer dans une perspective plus large, la manipulation des résultats acquis par cette réflexion qu'il convenait à notre sens de rechercher une première définition de l'œuvre et l'un des fils conducteurs de cette pensée. Autrement dit, nous nous proposons de suivre un développement qui reprendrait la double dichotomie instaurée par L. Hjelmslev à l'intérieur du signe saussurien :

Expression			vs	Contenu		
Forme	vs	Substance		Forme	vs	Substance

en laissant délibérément de côté, ici, ce qui ressortissait tant à la substance de l'expression qu'à celle du contenu. La première, la substance de l'expression, consistant, s'il faut la définir succinctement, dans les virtualités de l'écriture qu'il était possible de réaliser (d'in-former) dans un texte donné, en cette

époque donnée. La substance du contenu se réduisant plus simplement à l'Univers historique dans lequel l'auteur était inséré et auquel il donne forme dans ce que M. M. Arkoun nous a suggéré d'appeler son *autobiographie spirituelle.*

A. La forme de l'expression

I. *Le Titre.*

« Le Titre, dit-on généralement, évoque avec plus ou moins de précision le contenu de l'ouvrage. » Mais, le titre peut faire plus que d'évoquer une matière, il arrive qu'il ait une signification plus subtile et révèle le lien même qui unit l'auteur à son œuvre.

Ainsi, parmi les titres qu'I. G. a choisis pour ses œuvres, peut-on distinguer entre ceux qui annoncent effectivement le contenu, comme le *Kitāb al-Aḏkiyā'* — recueil d'anecdotes dans lesquelles apparaissent des personnages historiques qui parviennent toujours à se tirer d'un mauvais pas — et ceux qui n'évoquent pas tant le contenu que la manière dont le contenant va se trouver constitué : c'est le cas de *Ṣayd al-Ḫāṭir* (la chasse aux idées fugitives). Il convient, pour être à même de comprendre la portée du S.H. de s'arrêter un instant sur l'analyse de ce titre.

Ḫāṭir signifie ce qui va et vient, arrive fortuitement et s'en va comme il est venu ; par translation métaphorique *(maǧāz)*, le sème nucléaire de ce mot, c'est-à-dire la *fugitivité*, la *fortuité*, va s'appliquer au mouvement de l'esprit et dénote alors l'idée dans ce qu'elle a de fugitif ; ce que l'auteur exprime de façon tout à fait explicite : « *Les idées (= ḫawāṭir) papillonnent ... puis se détournent et disparaissent.* » Le sens ici est bien « idée fugitive ». Et, si l'idée, d'une façon générale, est immatérielle et difficilement saisissable, une « idée fugitive » le sera bien davantage encore. Apparaît donc un sens nouveau, connoté celui-ci, car il ne figure pas dans le dictionnaire, qui fait, de *ḫāṭir*, l'idée fugitive comme définition même de l'Idée, c'est-à-dire abstraction d'une abstraction ou comble de l'abstraction.

Ḫāṭir est en rapport d'annexion avec le mot *ṣayd* qui désigne la chasse. Or, ce mot, dans la civilisation arabe classique, évoque

non pas, d'abord, une distraction, un jeu, mais le simulacre de la guerre ou, à tout le moins, une préparation physique et morale à la guerre. Le mot *ṣayd* connote donc bien une activité concrète. Et, puisqu'à chaque gibier correspond une technique de chasse particulière et que ce mot n'a pu être, ici, utilisé à la légère, il est bon de voir quelle est la technique de l'auteur dans cette chasse qu'il fait aux idées.

Il s'agit, explique I. G. dans son introduction, de consigner les idées fugitives par écrit pour éviter qu'on ne les oublie, c'est-à-dire de saisir l'abstrait de l'idée dans cet acte concret qu'est l'écriture. C'est le mot *qayd* (= entrave, piège, filet) qui est le moyen terme de l'analogie faite ici et qui permet de passer de la chasse aux ... papillons à la chasse aux idées. Et le verbe *qayyada* (forme dérivée de *qayd*) signifie bien : « consigner par écrit ».

Le *qayd* est ici le livre : « *J'ai fait de ce livre un filet que j'ai tendu aux idées fugitives.* »

Ainsi ces deux termes en association métaphorique vont-ils dénoter la partie qui se joue entre l'abstrait (de la pensée) et le concret (de l'écriture), partie que le *langage* est chargé d'équilibrer. Voyons comment :

Le livre est volume, c'est-à-dire objet, destiné à tenir enfermé l'abstrait de l'idée dans ses limites concrètes. Mais ce n'est pas un contenant idéal : il renferme des graphismes qui sont, sur le plan visuel, ce que sont les phonèmes sur le plan auditif ; ils sont, les uns et les autres, des signes du langage humain. Car, ce qui est visé, ici, en dernière analyse, au-delà du livre proprement dit, c'est le langage qui peut, seul, donner matérialité à la pensée.

D'où une première conséquence, qui est l'importance, dans le S.H., de l'aspect formel de l'acte de langage, nous voulons dire de l'énonciation (1).

D'où, aussi, une seconde conséquence qui pose le rapport du langage au monde réel. Le livre, ainsi défini, ne vise pas à décrire le réel mais, bien plus à l'écrire ou à le parler. Tout se passe, en effet, comme si les idées, vectorisées par le langage, ne

(1) Voir *pages suivantes.*

prenaient consistance qu'au moment du contact avec les choses. Ce n'est donc pas une réalité antérieure (en lui, ou en dehors de lui) qu'I. G. écrit ou décrit, mais une réalité concomitante à sa saisie par l'esprit : ce qui explique le caractère foncièrement lyrique du S.H. et évoque l'expression de *rêverie intellectuelle* que G. Bachelard utilise pour définir la connaissance dans le contexte mental du Moyen Age (1). Mais il ne s'agit point d'une rêverie inane. Le but est de percer le mystère divin *(al-ġayb)* qui est, en définitive, le mystère humain.

C'est que le S.H. ne se veut pas tant énoncé informatif que performatif. Ce qui ne signifie pas qu'il ne faille pas y chercher d'informations ; elles fourmillent au contraire, et l'on a toute chance de ne point revenir bredouille de la chasse que l'on pourrait leur faire. Mais, ce n'est à notre avis que l'aspect *second* du texte, l'objet d'une seconde lecture, oserions-nous dire. Par contre, une lecture qui obéirait au dessein même de l'auteur aurait toute chance d'être la plus totale, la plus totalisante de signification, car elle permettrait de récupérer, au passage, l'idéologie, et les contradictions idéologiques de l'auteur, et elles sont fréquentes, alors qu'une lecture proprement idéologique risquerait d'être discriminatoire.

Le S.H., en effet, n'est pas un livre d'école, il n'est pas un livre d'enseignement et la lecture que l'on est invité implicitement à en faire dans l'introduction ne ressemble en rien à celle qu'I. G. propose dans ses autres ouvrages.

II. *L'Énonciation.*

Fractionné en segments d'inégale longueur, semblant obéir davantage à la pulsation des idées qu'à une construction préméditée, le S.H. échappe, par sa forme générale, au statut de l'œuvre écrite, qui est d'organisation (2).

Il est difficile, en effet, de prendre chacun de ces propos comme un tout parfaitement clos et fonctionnel et de lire, dans

(1) Reprise par M. Arkoun in *Introduction à la Pensée Islamique Classique*, Cahiers d'Histoire Mondiale N. 4, 1969.

(2) Encore que les éditeurs aient jugé bon d'*individualiser* ces segments par des numéros et de les *personnaliser*, en quelque sorte, par des titres.

la numérotation qui nous est imposée par les éditeurs un autre ordre que celui impliqué par les nombres eux-mêmes, un tel ordre n'étant pas de fond, mais de forme et, par définition, inachevé, puisque signifié seulement par une notation positionnelle.

Car les idées s'appellent par dessus les limites de l'écriture, s'évoquent d'une syllabe, s'attirent d'un mot et, par delà le cadre d'un Propos, s'associent, se repoussent ou s'enroulent sur elles-mêmes. L'agencement est ici de l'ordre de la parole, linéaire comme elle : l'exposé s'organise comme il est saisi par l'esprit et dans le temps même de la locution, la différenciation s'y opérant par simple juxtaposition, ce qui explique le caractère non didactique de l'œuvre et, en partie, les répétitions multiples. Ce qui fait que la conclusion ne clôt pas l'œuvre, car elle aurait pu, tout aussi naturellement, « tomber » dès avant, ou plus tard. Il s'agit bien d'un texte totalement ouvert dont chaque élément — chaque propos — aurait pu se trouver à la place de n'importe quel autre et dont le dernier aurait pu se trouver à la place du premier.

Ainsi, plutôt que dans un épanouissement arithmétique ou dans les péripéties d'une œuvre qui tend vers son dénouement, c'est dans l'acte d'énonciation même qu'il convient de rechercher la « dynamique » du S.H.

1. Deixis ou marques de la locution.

a) Le *Mutakallim* (= locuteur). Celui qui s'exprime ici n'est, de fait, soumis qu'aux lois de l'expression : aussi les marques du « sujet » y sont-elles franches, conscientes, et partout, présentes. Le *je* de l'auteur est un signe évident et, réellement, en situation de *première personne ;* il ne s'agit point d'un *pro-nom* destiné à brouiller les signes de l'énoncé, mais bien du substitut de la personne qui parle, qui s'affirme dans son acte de parole et se confirme en face d'une autre personne. Ce *je* est sans ambiguïté, qu'il se saisisse comme objet, s'adresse à son âme rétive ou parle à son lecteur. Le *je* d'I. G. n'est pas un autre (1).

(1) Pour renverser la formule de Rimbaud. Mais, en même temps, ce *je* d'I. G. est bien un autre, c'est-à-dire tous les autres : « O insensé qui croit que je ne suis pas toi ». disait V. Hugo. C'est que la perspective dans laquelle nous nous plaçons est celle, uniquement, de l'énonciation.

Mais il prolifère avec tellement de spontanéité, de naïveté, qu'il semble périodiquement nécessaire à l'auteur de le rendre plus intelligible en précisant la relation qui le lie à son référent objectif.

Que ce soit pour exposer les contradictions de sa nature et l'apaisement trouvé dans l'isolement en soi pour se rapprocher de Dieu (P. 46) (1), pour tenter de se saisir, en face de Dieu, comme une entité voulue et aidée par Lui (P. 142, 285) ou pour se situer, par rapport aux autres hommes, dans la voie que lui ouvre son ambition (P. 170), il manifeste bien toujours la même volonté de s'affirmer dans son individualité. Il y réussit d'autant mieux qu'en se distanciant ainsi de lui-même, par son interrogation, il confirme encore sa situation de locuteur et cerne donc avec plus de précision sa fonction de sujet. Ce *je* est donc bien toujours identique : il tire sa réalité, la seule qu'il puisse avoir en définitive, de la conscience qu'il a, ou qu'il prend, de ses propres limites, dans le discours qu'il parle.

Le S.H. est, tout uniment, une concrétion du langage où le *je* parlé par l'auteur est un *je* de synthèse qui s'exprime en toute conscience (2), même s'il lui arrive de se diluer dans un pluriel imprécis et prudent (P. 287), ce qui ne fait qu'éclairer mieux encore la véritable personnalité du sujet.

b) Le *Muḫāṭab* : Il est plus complexe (3). Le *tu* auquel le

(1) Les chiffres mis entre-parenthèses et précédés de P. renvoient aux Propos. Il est évident que ces références ne doivent pas être toujours cherchées dans les *mots* mais bien, et c'est cela qui nous intéresse, dans le sens *contextualisé* ; le P. cité est donc à prendre dans son ensemble ou, quelquefois, dans l'une de ses parties, quand le P. est de sens multiple. D'autre part, nous ne renvoyons pas à tous les P. qui expriment la même idée, car nous ne visons pas ici à l'exhaustivité formelle mais à une *lecture*.

(2) Ce qui ne veut pas dire qu'il échappe par sa clarté même à toute analyse ; bien au contraire, il y aurait beaucoup à dire sur cet aspect de l'individualisation de l'œuvre dans le cadre de la littérature arabe classique, en dehors de toute *fonction* d'auteur et de tout acte de *production*. D'autre part, et dans le cas présent, malgré / à cause de la naïveté avec laquelle le *moi* de l'auteur s'étale dans l'énoncé, il est possible de discerner, sans trop emprunter à la psychocritique, un dédoublement de la personnalité d'I. G. en un « moi social » évident, et un « moi créateur » occulté qui contribuent tous deux à l'affirmation d'un mythe personnel.

(3) La référence partout présente dans la littérature arabe à la personne à laquelle on s'adresse *(al-muḫāṭab)* semble poser, au delà de l'interlocuteur, les rapports de l'écrivain avec lui-même, avec son œuvre, et d'une manière générale, ceux de l'homme avec la langue, et mériterait une véritable étude sémiotique.

discours s'adresse naît, parfois de l'inquiétude d'un homme en quête de sa définition, parfois du sentiment de la dualité de la nature humaine qui, tantôt, va dans le sens de la pente et tantôt, s'en défend, et c'est *son* âme, alors, ou *sa* raison que l'auteur interpelle (1), ou bien il est tout simplement, l'*autre* : Dieu, d'abord, auquel l'auteur s'adresse dans l'intimité et celui, ensuite, qu'il a l'habitude d'exhorter.

Ainsi peut-on distinguer entre :

b-1) l'allocuté dont la définition se perd dans la généralité et qui peut être le lecteur et / ou l'auditeur. I. G. en effet était sermonnaire ; l'on peut donc imaginer que, pour lui, écrire / parler constituait un seul et même acte signifiant.

D'une part, ses auditoires comptaient des foules qui, même si l'on ne retient pas les évaluations avancées par ses contemporains, évaluations pour le moins exagérées (cinquante à cent mille personnes auraient suivi régulièrement ses sermons), restent cependant impressionnantes si l'on en juge par les emplacements à ciel ouvert qui lui étaient généralement affectés à *Bāb Karḫ*, *Bāb Badr* ou autres.

D'autre part les témoignages que l'on a sur la manière dont il menait ses sermons concourent à montrer qu'il laissait assez peu de place à l'inspiration du moment : tant dans leur architecture et leur mise en scène que dans leur objet les sermons d'I. G. étaient minutieusement préparés et il nous paraît, quant à nous, de plus en plus évident que l'on doive considérer tout un pan de son œuvre comme un immense aide-mémoire sinon comme une première mise en forme des idées qui lui venaient à telle ou telle occasion.

Lui-même d'ailleurs déclare, P. 165 : « *Par la parole je me suis adressé dans ma vie à un certain nombre d'auditeurs mais, par mon œuvre, je m'adresserai à un nombre illimité de lecteurs qui naîtront plus tard. La preuve en est que les hommes profitent davantage des ouvrages de nos ancêtres que de l'enseignement de leurs maîtres.* »

(1) Par commutation synecdochique. Cf. P. Valéry, *Fragments du Narcisse*, dans lequel le poète s'adresse à son « *inépuisable Moi* ».

Ainsi l'autre, lecteur futur ou auditeur présent (peu importe en fait à ce niveau d'analyse), est introduit par l'acte de parole qui présuppose un locuteur et un allocuté.

b-2) l'interlocuteur dont l'intrusion dans le discours d'I. G. est d'ordre métapsychique. L'interlocuteur peut être, nous le redirons, l'âme à laquelle le Malin souffle ses répliques ou la Raison que la science inspire. Mais ce peut être Dieu qui est donc, en même temps, non seulement l'allocuté présupposé par l'acte de prière intime mais un véritable interlocuteur dont la parole est celle-même qu'il a révélée à ses Prophètes. C'est au travers de cette parole que le dialogue s'engage entre l'homme et Dieu et que se réalise, beaucoup plus que la simple redécouverte d'une expérience vécue, une *émergence au Monde :* la parole redevient donc incantatoire.

2. Les enchâssements.

En effet, des citations (versets coraniques, hadiths) viennent s'enchâsser dans l'énoncé et semblent rompre, dès l'abord, la plénitude de son univocité. On pourrait croire, en effet, en se plaçant d'un point de vue formel, que ces citations ont un statut clair et bien défini, puisqu'elles pénètrent dans l'énoncé en s'affichant.

Cela va pourtant entraîner deux conséquences.

La première est d'ordre temporel : l'écart que la citation marque par rapport à l'énonciation a un rôle dichotomique de jonction/disjonction. D'un côté, par l'intrusion d'une parole prononcée autrefois, il rompt la temporalité discursive de l'énoncé — qui ne peut se concevoir en un autre moment que celui de l'énonciation ; d'un autre, il fait assumer le passé de la citation par le présent qui la cite. Ce qui, déjà, fait retentir l'écho de la tradition, fondement de la science religieuse.

La seconde conséquence est d'ordre spatial et nous retrouverons ici le même écart, avec un rôle analogue : il rompt la linéarité de l'énoncé par la transcription de la citation qui, directement recopiée de sources manuscrites, préserve son autonomie par ses références, c'est-à-dire par son *isnād*, mais, dans le même temps, il réalise cet énoncé comme texte écrit, et non plus parlé, puisque désormais la citation y prend corps.

Toutefois, le caractère scripturaire de l'œuvre reste encore au second plan, car la citation est pour l'auteur-locuteur une nouvelle occasion de révéler sa subjectivité. En faisant sien le discours d'un autre, il semble vouloir prendre ses distances par rapport à son propre texte : les citations, en effet, viennent s'inscrire à un niveau différent, dans un plan, en quelque sorte, paradigmatique. Subordonnées à la communication, les citations apparaissent comme objets *déchiffrés* et non plus parlés ; mais comme elles ont, dans le contexte, valeur parénétique, elles disent toutes : « Je dis : Un tel a dit : (Je dis) : Je ... » et découvrent ainsi leur véritable fonction qui est de confirmer l'auteur comme sujet (parlant) en affirmant son objectivité. Elles constituent, en fait, de véritables énoncés performatifs.

Il convient de signaler que souvent — étant donné les répétitions — ce qui est *citation* dans un propos devient *allusion* dans un autre et réciproquement. Les allusions semblent, elles, parfaitement intégrées au texte bien qu'elles y aient, en réalité, un rôle de rupture. Le seul fait de les formuler, en effet, est explicite ; aussi l'auteur omet-il de les annoncer : les ayant senties comme se référant à une donnée connue de son lecteur, il n'éprouve pas le besoin de les doter d'une marque spéciale. Ce faisant, il les détache de son énoncé subjectif, car elles sont reconnues par tous comme extérieures au sujet parlant et saisies dans leur réalité objective. Ainsi, allusions et citations ont-elles un statut totalement inverse tout en ayant une fonction analogue.

Par ailleurs, les enchâssements de récits ressortissent tous, plus ou moins, au procédé analysé dans les citations car ils ont une marque plus parénétique que littéraire.

Voilà qui semble devoir éclairer l'importance qu'I. G. accorde aux Traditions. Toute sa démarche scientifique, que l'on pourrait qualifier de philologique (1), consiste à déchiffrer, dans la masse des paroles qui sont attribuées aux Anciens, eux qui avaient

(1) Voir dans I. Goldziher, *Études sur la tradition Islamique* (traduction L. Bercher) Paris, 1952 (à l'index) et *Le dogme et la Loi de l'Islam* (traduction Arin), Paris 1920, p. 259, n. 27, des exemples du rôle qu'a joué I. G. dans la critique des traditions. Voir aussi les P. 49, 71, etc.

accès à la Vérité, celles qu'une critique impitoyable ne saurait entamer, dont les sources sont indiscutables et les transmetteurs indiscutés.

En donnant voix à ces bouches muettes depuis des siècles, il retrouve le contact avec le premier éveil et fait couler dans sa vie une part de cette lumière qui éclairait ses modèles. C'est ainsi que dans cette quête qui lui permet de dépasser l'imitation servile des intermédiaires (P. 19, 71), il assume la responsabilité de son *moi* (P. 108) (1).

L'intervention de ces deux catégories, *grammaticales* pourrait-on dire, de l'énonciation, la deixis d'une part qui situe l'énoncé dans une dimension spatio-temporelle marquée (JE parle, en un lieu et en un temps donnés) et celle, aspectuelle, d'autre part qui tend à annuler, dans le moment même de la locution *(takallum)* l'opposition Perfectif/Imperfectif, ont-elles pour fonctions de permettre à l'œuvre d'échapper à un monologue qui s'enfermerait dans la singularité de son propre univers : les « personnages » qui apparaissent, comme nous le verrons, dans ce monde verbalisé, sont de cette manière pris en charge par le langage et actualisés dans le dialogue.

B. La forme du contenu

I. *Le Livre.*

Le but qui s'affirme, dès l'introduction, est de *tendre un filet aux idées*, de les prendre au piège du langage, de les enfermer dans le discours. Étonnante intuition (et qui reposera le problème de la création du Coran, mais en termes de Linguistique) de ce que la pensée, tant qu'elle n'a pas reçu sa transparence du

(1) A. Miquel, *La Géographie humaine du Monde Musulman*, Paris, Mouton, 1967, pp. 354 sqq. expose avec une grande lucidité comment la référence, le retour aux sources de l'Islam permet aux savants du IV^e^/X^e^ siècle de briser le cadre étroit dans lequel le formalisme traditionnel emprisonnait la pensée. I. G., deux siècles plus tard, tente aussi ce retour à l'Islam primitif, à une époque pourtant où il avait peu de chances d'être suivi. Les critiques dont il a été l'objet, et de la part même de ses confrères ḥanbalites, témoignent bien du caractère exceptionnel de son entreprise (Voir en particulier p. 219).

langage, est encore une masse informe, fuyante, opaque, de l'opacité même que la résistance du monde offre au regard distrait ou aveuglé (P. 26 et conclusion) de l'indifférent. L'énonciation doit assumer ici le rôle d'un révélateur qui fera passer les idées d'un état diffus et difficilement saisissable à un état perceptible et concentré. C'est le livre qui va tirer les idées de leur anonymat, leur donner visage, les appeler par leur nom. Car, avant tout, il est discours.

En effet, le statut du livre participe de plusieurs codes : il est volume, mais sa pensée vole (P. 338), il est muet, mais il parle à qui sait l'entendre (P. 188, 250). Son ambiguïté de message écrit et parlé, vu et entendu — il arrivera à I. G. d'écrire « *Toi qui m'écoutes ici* » (P. 19), en interpellant son lecteur — est propre à cette civilisation du Moyen Age qui n'a pas encore été marquée par l'imprimerie et pour laquelle la lecture est, non pas feutrée, non pas close sur la singularité, mais destinée à tous les hommes, ouverte sur l'univers, prolongement de la parole, parole essentielle, puisque d'abord, elle est délivrance du message divin.

Substitut de la parole, signe fait de tous les signes, le livre permet aux savants, porte-parole des Prophètes (P. 19, 21, 24, etc.) de baliser le chemin qui mène à la connaissance (P. 182). Dans ce monde semé d'écueils, ce n'est point assez que de soulever, de temps à autre, la paupière de sa clairvoyance, pour reconnaître l'existence du créateur et se rendormir ensuite du sommeil de son indifférence ; l'œil doit rester grand ouvert, prêt à lire un appel dans le grain de sable, préparé à le déchiffrer ; c'est que Dieu « *se manifeste si clairement qu'il n'y a plus de mystère, et s'enfonce ensuite si bien dans le mystère que l'on pourrait croire qu'il ne s'est jamais manifesté* » (P. 275). C'est que tout, dans sa création, proclame son existence (P. 26, 275). Mais, pour arriver à concevoir cet univers de symboles, il faut postuler l'existence d'une relation actualisant le Monde, l'Homme et Dieu dans un ensemble harmonieux et pertinent (P. 274). Un tel univers se caractérise, en effet, par une référence transcendentale et totalitaire à une volonté primordiale, le Monde (l'Ici-bas) n'étant plus alors qu'un système ontologique, un

réseau de symboles (P. 362), que le savant a reçu mission d'expliciter.

Cependant, ces symboles ne sont pas les choses, ni même ce qu'elles donnent à voir, ou, pour trancher, il n'y a en eux aucune nécessité. C'est par un acte délibéré que l'esprit articule les phénomènes naturels à un niveau sémiologique purement conventionnel, et en inversant l'ordre normal de la signification, en ce sens que c'est le *signifié symbolique* qui va prêter vie (P. 26) à la grande *nébuleuse* des signes en les différenciant. Le monde prend ainsi forme d'écriture (P. 275) dont il s'agira de découvrir la syntaxe, de livre dont il faudra apprendre à feuilleter (introduction) les pages.

Il s'ensuit que toute intervention de l'homme pour reconnaître ces symboles, pour déchiffrer ces signes et les ordonner, est plus une expansion allégorique du langage (P. 49), ou, si l'on préfère, davantage un commentaire qui s'enroule sur lui-même et dans lequel se peignent, en anamorphose, le monde et l'homme, eux-mêmes reflets du ciel (P. 29), qu'un quadrillage destiné à enfermer la réalité spatiale dans ses propres données (P. 43).

II. *Le Monde.*

Est-il possible, d'ailleurs, que l'homme parvienne à la connaissance des choses réelles, puisque, tout en étant capable de constater les altérations qui les frappent, il est impuissant à voir comment elles sont devenues autres (P. 61) ? Et quel projet plus absurde, quelle ambition plus vaine, que d'espérer, au moyen de cette perception bornée aux apparences, saisir le monde dans sa réalité toujours mouvante ? « *Vérité à laquelle on peut faire dire le faux* » (P. 233) !

Sans cesse différent et toujours semblable (P. 245), le monde, dans son miroitement infini, protégé par sa dialectique du même et de l'autre, renvoie à l'homme son regard atone (P. 3, 62, 316) : il ne livre ses secrets qu'à l'œil de la clairvoyance (P. 31), encore que celle-ci, condamnée par son état de nature, ne puisse concevoir que les ensembles et non les détails (P. 90, 123).

De même que son regard est incapable de percer l'écorce des êtres pour saisir au plus profond de leur intimité la vie qui les

anime (P. 99), de même son esprit, toujours en-deçà de l'univers, est impuissant à en contourner l'infinie variété. Il y faudrait la clairvoyance de Dieu, et plus encore, une clairvoyance dont l'œil percevrait Dieu tenant dans sa main cet univers où la terre ne représente qu'un point, grain de sable dans un désert (P. 102).

Prisonnier de la nature (P. 2, 344), nature lui-même, l'homme parvient, mais combien difficilement, à s'abstraire dans l'ordre cosmique (P. 102) et c'est, comme furtivement, qu'il découvre, autour de lui, l'architecture du monde et la connivence des choses : il lui arrive alors dans la goutte de sperme débile (P. 37) et généreuse (P. 316), de voir, l'instant d'un reflet, la multiplicité des actes humains et la complicité du monde (P. 316). Monde dans le monde, et qui lui paraissent, par la force des choses, irréductibles l'un à l'autre.

Mais l'univers n'est pas espace seulement, et immense ; il est temps aussi, et insaisissable. La vie court et les jours glissent (P. 299) sur cette ligne dont la chronique marque seulement les crêtes (P. 189). Un moment unique y renverse la chose en son contraire et fait éclater celui-ci en mille autres (P. 86, 258), comme un reflet brisé à la surface de l'eau. Les plis que l'on aura cru y inscrire sont absorbés par l'élasticité de l'existence : c'est que le monde a l'inconstance de la mer qui apparaît bleue, calme, plane au regard détaché ; mais, que l'on ne s'y trompe pas : les tempêtes s'y déchaînent, les vagues s'y entrechoquent (P. 117), les abîmes glauques s'y ouvrent aux imprudents (P. 271).

Inquiétante est la mer (P. 253), par son étendue même et sa traîtrise ; mais la terre est non plus constante et sûre. Le désert noie, dans ses immensités, l'imprudent qui s'y hasarde (P. 113), comme la mer engloutit dans ses profondeurs le naïf qui s'y risque. Les scorpions, les vipères, les bédouins aussi, y concourent à la ruine de l'homme ; les montagnes y sont terrifiantes (P. 102) et, il lui arrive aussi de se déchaîner en cataclysmes (P. 10). Tout, dans le spectacle que la nature offre à l'homme, lui semble hostile et inattendu ; le ciel n'y est pas moins opaque. Les signes qu'il donne à lire inquiètent par leur fugitivité : orages foudroyants, grondements sinistres, pluies torrentielles y

succèdent à l'ardeur du soleil et ne sont pas toujours réponse à l'interrogation des hommes.

En ces derniers, ses semblables, vers lesquels il est naturellement porté, que lit-il ? D'eux, qu'a-t-il à attendre ? Autour de lui les gens s'affairent à leurs satisfactions égoïstes, poussés par l'intérêt le plus bas, aveuglés par la vanité, ignorants, ambitieux, rongés par l'envie et la haine ; les hommes sincères, eux, fuient les contacts et se réfugient dans leur solitude.

En face de cet univers hostile, de cette humanité indifférente ou ennemie, l'homme se tourne donc vers lui-même pour se connaître et se saisir, cherchant à conjurer les périls extérieurs en affirmant sa singularité. Mais cette réalité qu'il observe alors sur soi, en soi, est tout aussi instable et cèle autant de menaces. Du néant d'où il surgit, étonné, à la poussière où, après avoir été déchiré par l'agonie, il retourne, meurtri (P. 102), tantôt arraché prématurément aux bras de ceux qui l'aiment et qu'il aime, tantôt traînant vers sa propre mort (P. 27), il vogue sur ce qu'il appelle son existence et qui, inexorablement, le pousse vers le port (P. 137). Sa verticalité de plante dans toute sa verdeur (P. 45) qu'il affirme sur le monde est vaine, car la soumission lui fait baisser la tête et le genou, le plie en prosternations (P. 228) et, plus bas encore, l'inconscience du sommeil, ou du tombeau, le livrera à tous les abandons (P. 362). Le corps, qu'il sait parfait, révèle pourtant dans ses plis l'usure qui le ronge car la stabilité dont l'homme fait sa définition, repose sur une matière inconsistante (P. 263), est tissée (P. 272, 311) dans une étoffe dont il voit la trame s'user sur les corps qui l'entourent.

Quelle image plus redoutable de lui que celle que lui renvoient les autres (P. 272) ? Quelle dérision plus grande que celle qu'il lit dans la beauté féminine, fugitive incursion de l'illusion dans sa réalité (P. 216) ? Et comment peut-on s'enorgueillir d'une beauté dont le support est vide de sens, conjoncture fortuite d'un désir et d'une image (P. 216), comme si, dans l'âme se reflétait un contour sans profondeur, qui n'accrocherait pas les gestes et ne laisserait pas de plis. Et quelle beauté y a-t-il dans cet ensemble de chair de sang et d'os, précaire équilibre des humeurs, enveloppe d'une matière en pleine digestion, sac

rempli de déchets, fleur qui s'épanouit en puisant sa beauté dans l'ordure (P. 28, 56) ? Que la maladie survienne et cette fugace harmonie se corrompt (P. 372) avant le terme auquel, de toute façon, elle ne peut échapper.

Mais l'homme est ainsi fait qu'il tire jouissance de sa condition même, qu'il transforme en plaisirs les nécessités qui lui sont imposées. Ainsi la nourriture devient source de joie et, dans ce qu'il sait être un moyen d'assurer sa pérennité, il verse le poison de la satiété et de l'abus. Par contre, si, effrayé par ce danger, il réfrène et réprime son appétit, c'est dans les plaisirs troubles de la privation (P. 36, 37) qu'il sombre alors, accueilli par les chimères et la folie (P. 28, 85). Le coït, qui lui est un moyen d'assurer sa descendance, c'est-à-dire d'aller au delà de lui-même, de vaincre le temps en libérant son organisme des humeurs nocives qui le corrompraient, le coït devient cause d'une ruine prématurée (P. 28, 35), à moins que, effrayé par l'issue, il ne se réfugie dans une continence dont les dangers ne sont pas moins graves.

Que sont donc les plaisirs ? Puisqu'on ne les éprouve pas avant la jouissance proprement dite, puisqu'au moment où l'on s'en repaît, ils ne sont qu'agitation fébrile et qu'il semble, après la fin de la jouissance, qu'on ne les ait jamais éprouvés ? « *Et quel plaisir y a-t-il dans la nourriture puisque, au moment où l'on a faim, l'aliment le plus grossier vaut le mets le plus délicat? (P. 191).* »

Faut-il donc, si le corps s'enfuit, si les plaisirs sont faux et puisqu'il semble bien qu'il existe un élément permanent et stable, faut-il donc se tourner vers l'âme ? Nul doute, en effet, que ce soit elle qui puisse assurer et garantir, dans notre univers labile, une certaine unité. Paradoxe, pourtant, que de chercher dans cette âme dont « *on ignore la quiddité, la modalité, la substance, le siège, dont on ne peut concevoir d'où elle vient ni où elle va, et comment elle s'est accrochée à ce corps* » (P. 181), paradoxe que de chercher en elle la permanence et la stabilité que les choses et le corps ne peuvent nous assurer.

III. *Le Mythe.*

Mais dans l'immensité de cet univers chaotique et désolé, la parole formidable de Dieu s'est fait entendre aux hommes. Alors tout s'harmonise : l'espace devient solennel (P. 29), le temps s'ouvre à l'éternel (P. 14, 164) ; l'homme, enfin, sort des ténèbres (P. 247). Il découvre la certitude : un autre monde, outre-tombe, existe, vrai, intemporel, nécessaire puisque révélé par la Parole, garanti par les Prophètes authentifié par les miracles.

Monde d'éveil et de lumière, premier et indiscutable, il est le principe auquel, désormais, l'homme réfère le monde terrestre qu'il habite (P. 305). L'Ici-bas devient un cas particulier que la Révélation, en lui donnant statut, inclut dans l'Universel. Du même coup, la fugitivité du monde, la fragilité humaine s'intègrent, fondées en raison, dans une sorte de grammaire générale où toutes les lois concoureraient à la délivrance d'une signification pleine et achevée (P. 224).

Le monde en perd donc son absurdité, cependant que la vanité des choses et les illusions de la réalité en sont comme justifiées : rien n'existant qu'outre-tombe, la connaissance sensible devient illusoire ou vaine et, dès lors, il est absurde d'avoir foi en elle, puisque c'est seulement par l'abstraction que la raison peut s'élever à la véritable connaissance, comme du miroir, où rien n'a de prise, elle se tourne naturellement vers l'objet qui s'y était reflété.

Mais tout est en même temps vrai et faux dans ce monde, comme dans le miroir : l'image que nous y voyons est vraie, en ce sens qu'elle existe, en effet, mais par rapport à l'objet, et non en dehors de lui, et fausse aussi, parce qu'elle ne peut être saisie pour elle-même, dans un *en-soi* positif. Inquiétante mais riche ambiguïté de la nature que beaucoup d'hommes ne parviennent pas à dépasser qui font du monde une fin en soi ou qui le nient globalement.

A la vérité, entre l'Ici-bas et l'Au-delà, il n'y a pas similitude parfaite ; ces deux mondes ne sont pas superposables ; l'un n'est pas l'envers de l'autre ce qui ferait, l'univers s'enfermant dans sa propre ressemblance, que le même ne serait plus que lui-même ; il n'y aurait pas plus d'exemplarité dans l'Ici-bas que de réalité

dans l'Au-delà et l'homme, dans le grand silence des choses, adorerait la pierre, le bois, le feu ou l'homme. Mais Dieu a créé l'Au-delà pour y distribuer châtiment ou récompense, et ce monde-ci, pour qu'il soit une preuve de son existence (P. 317).

Dieu veut être découvert (274), c'est pourquoi la nature est constellée de signes, pourquoi elle retentit d'appels : « *toute chose y énonce clairement qu'elle a un créateur* » (P. 275). Il faut entendre ces voix, découvrir ces signes, et les déchiffrer. C'est que le signe a une double modalité. Dans la chose, mais distinct d'elle, ni dilaté au point de devenir toute la chose, car il ne signifierait plus que lui-même, ni caché si bien qu'il serait illisible, car il ne signifierait plus rien et le monde s'éteindrait : visible assez, il révèle l'invisible et authentifie, pour ainsi dire, la chose comme *signifiant*. Sa valeur exemplaire de signe est justement dans la distance qu'il prend entre la chose elle-même — dans laquelle il est — et la réalité qu'il veut signifier (1). Il est décidément, un moyen terme articulant ce bas-monde à l'Au-delà dans une analogie cosmique, mais vidée de toute contingence pour pouvoir être saisie dans sa valeur de concept, pur, total, olympien. Puisque, « *seuls, dans l'Au-delà les noms sont semblables* » (P. 29). Et quel signe peut exprimer une relation plus abstraite que celui que le langage nous prête (2) ?

(1) La racine (b, y, n) dont le sens ambivalent est : « être visible / être caché » exprime aussi l'idée de « jonction / disjonction » et la particule « *bayna* » marque bien la *médiateté*.

(2) Il s'agit bien ici, en effet, de :

a) Qiyās : ce mode de raisonnement — par analogie — s'impose à l'esprit de l'homme comme le plus *naturel* puisqu'il apparaît, dans un contexte mythique, lié à la nature même des choses. Il consiste à donner statut à un cas d'espèce *(far')* en l'intégrant, grâce à un moyen terme (*'illa*, d'une racine *',l,l* riche en significations confirmant notre propos), à un niveau supérieur, dans un système régi par un principe *(aṣl)* intangible. La grammaire et la lexicographie s'élaboreront par référence à la langue du Coran essentiellement, le droit, par référence au contenu du Coran (et des hadiths). Dans le domaine de la théologie, le *qiyās* devient suspect, spécieux et hérétique, dès l'instant que l'homme infère de son monde à lui, celui de Dieu. (Voir, à ce sujet, le lumineux article de M. Allard, *En quoi consiste l'opposition faite à al-Aš'arī par ses contemporains hanbalites?* in Revue des Études Islamiques, 1960.) L'intégration, dans un système articulé par des paliers successifs, jusqu'au sommet de la pyramide universelle, que le jeu des similitudes et de l'analogie devrait rendre possible, est, en effet, réduite à néant par l'anthropomorphisme qui inverse l'ordre des choses (Voir ainsi P. 192).

b) La Métaphore comme application sémantique du *qiyās* ; toute la richesse du lexique arabe en découle.

L'homme découvre ainsi l'ordre du monde, et la nature, qu'il apprend à déchiffrer, se révèle à lui dans toute sa vérité. Voulue par Dieu, non point marâtre, mais nourricière, elle est offerte à l'être humain, elle est hospitalière aux vivants et à leurs morts (P. 19, 275). Parfaite jusque dans le grain de la grenade (P. 302), elle se présente à l'homme comme le témoignage de la sagesse et de la puissance de Dieu ; elle est une promesse. Ses caprices même, ses colères sont des signes de la colère divine et l'on doit y lire un avertissement ou, déjà, une punition (P. 103). Tous les plaisirs que l'on y trouve, toutes les souffrances que l'on y éprouve sont données seulement pour que l'on puisse, à travers eux, au delà d'eux, désirer, ou craindre ceux qui nous attendent dans l'Au-delà. Sur cette terre, en effet, l'homme n'est pas le produit accidentel du hasard : il a, de fait, été créé pour remplir une mission. Tout, dans la création, doit lui être occasion de se reconnaître créature pour rebondir ensuite jusqu'à la connaissance du créateur. Tout l'y invite, l'urgence est grande et, il faut y prendre garde, le temps est irréversible. C'est sur cette terre, simple lieu de passage, détroit souvent balayé par les tempêtes (P. 125), que Dieu choisit ses amis d'un demain éternel (P. 224). Il a prévenu les hommes, leur a envoyé les Prophètes, leur a révélé les lois auxquelles ils ne doivent pas seulement se conformer avec la conscience passive et satisfaite du devoir accompli. Dieu exige davantage. L'épreuve est là qui marque les cœurs au fer des tourments (P. 38), épreuve purificatrice car elle permet à la souffrance de se dépasser (P. 117), à l'or de la constance de se libérer au feu de la douleur (P. 80). Les hommes en peinant, en soufflant, doivent monter la côte (P. 42) ; c'est à ce prix que s'achète la Récompense. Après la dernière épreuve, qui est aussi la plus terrifiante et dont on ne sait qui elle fait le plus souffrir : ceux que la mort saisit (P. 87), ou, ceux qui, soudain, sont placés devant un silence que rien ne peut plus remplir (P. 196).

La vie, la mort : ces deux termes signifient deux réalités si radicalement opposées qu'elles en sont unies par leur opposition ; elles forment couple, véritablement, et le langage, pas plus que la réalité — j'allais dire : la vie — ne peut les disjoindre. La mort, en effet, ne peut s'expliquer que par rapport à la vie,

« *par l'absence de vie* » (P. 49) ; elle l'exclut donc, ou bien perd toute signification puisque l'on ne peut dire : « il est mort » d'un être qui n'est pas venu à la vie. La vie, par contre, peut en abrégeant, se définir par elle-même ou, encore, par la période de temps qui s'écoule de la naissance à la mort : d'où l'on peut conclure que la vie implique, et inclut, nécessairement, la mort qui est le terme connu, inéluctable, de toute vie et, dans le même temps, l'exclut, de par sa première définition même. C'est de celle-ci, mais par référence à la seconde définition, que la pensée analogique va s'emparer. En effet, si l'on peut affirmer, puisque la vie est une conquête de chaque instant, un équilibre toujours perdu et retrouvé (P. 28, 172), qu'elle est, concrètement, la négation de la mort, il semble que définir la mort, dans la réciproque, par la négation de la vie, ne revienne qu'à énoncer une tautologie : «la mort, c'est la mort» (puisque la négation de la vie est la mort), tautologie significative pourtant, au niveau symbolique, comme la concrétion de toutes les frayeurs des vivants. A ce niveau, un transfert est opéré : en face de cette mort effroyablement *une*, la vie fond ses misères éparpillées pour se réaliser en une « forme substantielle » symbolisée par la Vie en Dieu et, ce faisant, ramène la mort à l'état d'accident — nécessaire — n'affectant plus qu'une partie de l'être. La réduction trouve son achèvement dans le hadith suivant : « La mort est égorgée entre le Paradis et l'Enfer » commenté ainsi P. 49 : « *pour manifester par une métaphore la fin de cette idée abstraite (qu'est la mort)* ». Car la mort dans l'esprit des hommes est synonyme de *fin*, une fin radicale qui ne laisse aucune chance de retour : la mort de la mort ouvre donc bien la porte sur la vie éternelle.

Elle reste une épreuve, certes, et plus considérable que celles qui la précèdent (P. 87), mais elle est sur cette mer houleuse la dernière vague, la barre qui cache le rivage et l'annonce en même temps, et dans les rouleaux de laquelle le navigateur averti ne sombre pas. Terme seulement pour la matière, elle permet le renouveau, l'éveil à la pureté ; alors, l'homme, le corps lavé de ses souillures, enfin débarrassé du poids de sa chair (P. 42, 198, 199), va pouvoir bondir vers la vie réelle. Comme le ver à soie de son cocon, il sortira de sa tombe, dépouillé de sa chrysalide (P. 362), corps résurgé, âme satisfaite et agréée, créature nouvelle.

IV. *L'Épopée.*

C'est à cette béatitude que tous les hommes aspirent, mais pour pouvoir y atteindre, ils doivent subir l'épreuve de la vie ici-bas. Les premières contradictions que l'homme doit y surmonter viennent de ce que, occupé à assurer ses conditions d'existence et soumis aux exigences du monde, il oublie qu'il a reçu révélation. Il lui faut donc s'éveiller, sortir de sa *ġafla* qui est tout autant inconscience, qu'insouciance ou indifférence. Au-delà de cet éveil, il découvre des épreuves contre lesquelles il ne peut rien et destinées, justement, à l'amener à un abandon confiant à la volonté divine.

1. Les actants :

Mais d'autres épreuves l'assaillent qui, procédant de sa nature même, donnent un caractère *épique* à son existence et l'amènent à personnifier les pulsations de son être : l'âme et la raison en deviennent deux personnages qui n'ont, à proprement parler, qu'une *réalité actantielle*, car elles ne sont connues, dit l'auteur (P. 43), qu'à leurs effets : elles ne « représentent » donc pas, chacune, une essence, mais ont seulement une fonction qui est d'assumer les rapports que l'homme entretient avec lui-même et le monde.

Le cycle de l'âme fait le récit du désir (P. 169) : aspirant à des satisfactions immarcescibles (P. 28), mais facilement séduite par les apparences, l'âme s'égare dans sa quête et se brûle aux feux du désir ; il lui arrive, cependant, de découvrir, mais souvent trop tard, que dans ce monde, aucune chose ne vaut la peine que l'on se donne pour la conquérir, car tout y est vain et périssable. Seul, le désir de se rapprocher de Dieu ne peut être déçu (P. 63). Ainsi l'âme permet-elle d'accéder à la Foi. Encore faut-il qu'elle soit guidée par la Science.

Mais le croyant raisonnable devra s'en méfier, car elle est futile, versatile et, toujours, excessive. Elle poussera aussi bien l'homme à se consacrer à la dévotion ou à la science, mais d'une manière si exclusive que l'une et l'autre en deviendront vaines et stériles, qu'elle arrivera à le convaincre, effrayée par le terme qu'elle sait proche, de profiter le plus possible des plaisirs de

l'existence, comme si, de cela, on pouvait faire provision. Elle est si insidieuse qu'elle parvient même à se glisser dans la raison qu'elle hypertrophie et qu'elle installe dans une souveraineté prétentieuse qui tranchera de tout, décidera de manière péremptoire de la vanité ou de l'absurdité des choses ; et la raison, finalement aveuglée, ira jusqu'à se demander si Dieu existe vraiment. Il faut combattre l'âme (P. 37), il y va de la santé du corps et de l'esprit, mais ce combat doit être mené avec beaucoup de sagesse et de mesure : il s'agit ici, non pas de la détruire, puisqu'elle est nécessaire à l'équilibre de l'organisme (P. 36), et qu'elle éveille l'homme à l'amour, mais de lui rabattre son caquet.

Le cycle de la raison raconte l'accession de l'homme à la connaissance. Instruit par elle de ce que l'expérience sensible est illusoire, il recherchera les vérités momentanément occultées pour les dépouiller du voile qui les recouvre. Mais il y faut de l'équilibre et de l'humilité. C'est pourquoi la Raison a tant de prix et son rôle est si déterminant.

De mesure d'abord, car elle combat l'excès partout où il apparaît, et jusque dans la raison même. L'excès est nuisible à plus d'un titre : il perturbe l'ordre des choses et falsifie la réalité ; excroissance vicieuse, il gagne de proche en proche et, d'action en réaction, il contamine le monde et détourne de la vraie connaissance.

Le rôle de la raison est aussi de remède et d'enseignement, car les hommes distraits par l'aménagement de leur confort en ce bas-monde, s'affairent tellement à leur existence qu'ils ne savent plus déchiffrer la réalité et « *lisent l'éphémère comme s'il devait être éternel* » (P. 316). Ils dorment leur vie et ne s'éveillent que pour mourir (P. 62, 97).

La raison leur ouvre les yeux et le sermon fouette leur conscience (P. 1), même si, parfois, il vaut mieux baisser les paupières sur les incongruités de la vie (P. 107, 141, 171). Cette position de juste milieu (P. 35) à laquelle le croyant raisonnable doit se tenir, n'est pas d'impuissance, qui le conduirait plus naturellement à obéir à ses passions ou à suivre tout simplement ses penchants. Elle est le résultat d'une conquête sans cesse recommencée ; elle exige un savoir sans lacune et une vigilance sans défaut.

2. Les acteurs :

Tous les hommes n'y parviennent pas.

Les *ascètes*, les *mystiques*, les *dévots* ne considèrent que l'issue : humiliés dans la pureté de leur intention, dans la sincérité de leur dévotion et de leur amour, par l'existence charnelle que la nature leur impose, ils refusent toute satisfaction à leur corps ; ils l'oppriment et parfois le détruisent, croyant qu'ils accéderont ainsi plus facilement à l'amour de Dieu (P. 33, 57).

Par excès de foi, ou par manque de science, ils oublient que ce corps qu'ils souhaitent libéré de sa contingence, purifié de ses besoins, n'est donné que dans l'Au-delà. Ici-bas, le corps est une bête : un chien auquel il faut donner un os à ronger pour pouvoir vaquer en paix à ses occupations (P. 48), une mule qui a besoin de son picotin pour conduire son maître au but qu'il s'est fixé (P. 34). La raison commande donc d'accorder au corps les satisfactions que la science a reconnues saines, les jouissances que la loi n'interdit pas. En évitant de tomber dans l'excès de ceux qui, par manque de foi ou excès d'ignorance, le repaissent de nourriture, l'épuisent dans les plaisirs ou l'abrutissent dans le sommeil (P. 35).

Les *savants*, qui ont appris que la science est œuvre, écrasent leur intelligence sous le poids des références en oubliant que la science n'est pas une fin en soi mais un moyen (P. 114). Ils passent leur vie à ressasser les mêmes questions, à y apporter les mêmes réponses et, quand ils arrivent au terme, ils sont sans voix (P. 31, 94).

Il est plus raisonnable de faire, dans ces montagnes de connaissance que les Anciens nous ont transmises, le choix qui mettra le savant en mesure de déchiffrer les signes déposés dans le Monde, de les comprendre et de les expliquer. Le temps qu'il gagnera ainsi pourra être plus utilement consacré à une activité qui lui garantira son indépendance : par là, il introduira un peu de foi dans sa réflexion et de joie dans son existence (P. 120). Sans se laisser aller à mépriser la science parce que, seule, elle ne peut lui faire gagner ni l'Au-delà, ni l'Ici-bas (P. 153) ou à la bafouer auprès des tyrans en croyant la servir.

3. L'initiation : la science.

Le danger est, toujours, de dénaturer les signes que Dieu a envoyés aux hommes et qui doivent les amener à Le connaître, car ne l'aiment et ne sont aimés de Lui que ceux qui le connaissent. Ces rapports exigeants qui s'instaurent entre l'homme et Dieu conditionnent la forme même du savoir et de la pensée. Dieu est un trésor que l'homme a pour devoir de découvrir (P. 274) : de Lui, il a reçu quelques indications qui le mettent sur la voie, mais il doit garder l'esprit en éveil et déceler toujours de nouveaux indices : le savoir sera donc avant tout d'érudition.

Les signes, nous l'avons vu, parsèment la surface de cette terre et se donnent à lire à quiconque les observe avec perspicacité. Surtout, ils sont enfermés dans le langage humain. Depuis que Dieu a appris tous les noms à Adam, ils continuent à parler aux hommes et, dans leur bouche même, se font paroles. Mais menacés par le bavardage inconsidéré des insouciants, qui brouillent les pistes en multipliant les marques, ils risquent de se perdre. C'est en quoi, chez le croyant raisonnable, le silence se fait vertu cardinale.

Dieu pourtant, a voulu sauver ses créatures d'elles-mêmes en leur envoyant la vérité faite Parole (P. 123). Phonétisée pour que les hommes puissent la reconnaître, créée comme la chair et le sang dans lesquelles elle se fond, immatérielle cependant, comme la pensée qui l'a mémorisée, elle emprunte au monde, dans lequel elle vient s'inscrire, cette ambiguïté qui est celle même du signe linguistique. Cette parole qu'ils ont reçue, les hommes doivent la faire couler en eux, car elle garde dans ses plis des traces du principe divin dont elle est issue : ainsi a-t-elle toute chance de se libérer des formes qu'elle a prises dans le monde des choses et dont l'épaisseur n'a fait que la voiler (P. 123). En s'enfermant dans les rouleaux de parchemin ou les volumes, en disparaissant sous les graphismes, le langage des hommes a perdu le contact avec la divine lumière qui l'éclairait. Il devient instrumental et neutre, car l'écriture est industrie. Alors que la parole est, presque, substance, à peine un acte : invisible, insaisissable, elle agit pourtant sur le visible et, depuis le temps où, devant Adam, les Anges se prosternèrent,

soumis, l'homme continue de découvrir son pouvoir incantatoire. C'est en elle qu'il se reconnaît créature privilégiée et par elle qu'il s'affirme adorateur de Dieu Unique.

Mais la science ne saurait être une pure abstraction ni la foi un simple tropisme. Il ne s'agit point uniquement de s'éveiller à la Révélation, il faut encore la comprendre et, condition essentielle, la vivre. L'homme est donc bien dans ce que l'on peut appeler une situation d'expérience initiatique : contraint de surmonter, chaque fois, le lot d'épreuves que son destin fait naître sur sa route, il s'élève ainsi, dans une progression dialectique, jusqu'à la limite de ses possibilités (P. 33), jusqu'à ce degré idéal (p. 108) de l'être où science et foi confluent dans la Sagesse.

Parvenu à ce point de notre exposé nous sommes conscient du reproche, que l'on pourrait nous adresser, d'imposer l'une seulement des nombreuses lectures possibles du S.H. et de la proposer sous une forme par trop *linéaire*. On pourrait peut-être aussi vouloir nous reprocher d'avoir fait une lecture métaphorique ; mais il resterait alors, premièrement, à définir ce que serait une lecture non-métaphorique, donc à définir ce que sont les sens dits propre et figuré et, deuxièmement, à montrer en quoi, à ce niveau de présentation, la valeur heuristique de l'une est supérieure à celle de l'autre.

Notre objet, nous le disions en commençant, était de nous enfermer — si tant est qu'il soit possible d'échapper à *ses propres* mythes — dans le S.H. De nous en faire, dans le même geste, l'auditeur-lecteur et, pourquoi pas, l'interlocuteur-auteur, puisque aussi bien la présence même de l'œuvre, et sa nature, instauraient le dialogue. Nous avons donc voulu faire une lecture totalisante en ce sens qu'elle visait à s'inscrire dans l'œuvre, mais en surimpression, pour en emphatiser le tracé principal en laissant dans l'ombre les chemins adventices. Totalisante, bien qu'elle soit — et comment ne le serait-elle pas dans ce cadre-ci ? — parcellaire sur bien des points et limitée à une seule forme de la relation qui unit l'homme à l'univers à travers l'Islam. Il convient désormais de montrer comment nous sommes parvenu à cette lisibilité du texte et d'exprimer de manière

explicite, ce que l'auteur nous disait par notre plume attentive, elle, à noter exclusivement, ici et pour le moment, le récit de son « émergence au monde ».

Tout commence, en effet, avec le désir, exprimé par l'auteur dans son introduction, de découvrir le *mystère divin* dont nous avons suggéré qu'il était en réalité le *mystère humain*, ou mystère de l'homme au monde. Ainsi pouvons-nous faire une première partition dans ce que nous considérons désormais comme notre mythe de référence, en soulignant que cette partition ressortit à un ordre analytique et qu'elle ne saurait en aucun cas être prise pour une quelconque référence spatio-temporelle : nous distinguerons donc une partie que nous intitulerons « Instant de l'homme au Monde, *sans Dieu* » et à laquelle nous affecterons, en toute naïveté, le symbole S, et une autre : « Instant de l'homme au monde, *avec Dieu* » affectée du symbole A.

Tentons une définition plus concrète de S.

L'homme au monde cherche à s'insérer dans un universel harmonieux et pertinent, à y adhérer. Mais, quand il interroge le monde il n'y trouve que l'insaisissable et ne parvient pas à déchiffrer son semblable. Se tournant vers lui-même il ne trouve que fortuité et fragilité ; pourtant, quand il se scrute mieux il peut découvrir une certaine permanence de son être et une certaine aptitude à trouver quelque plaisir aux nécessités implacables qui lui sont imposées.

Nous pouvons dès lors poser dans un premier temps une relation qui lie l'homme au monde : *Homme désire (ou : cherche à) connaître Monde.* Relation que l'on peut qualifier de syntaxique, analogue à celle qui lie, au niveau de la phrase, le sujet et l'objet.

SUJET	⟶	OBJET
(Homme)	(désir) (quête)	(monde)

Élargissant notre syntaxe nous introduirons deux nouvelles « fonctions » qui moduleront la relation Sujet-Objet :

L'une qui favorise l'action (désir ou quête) en permettant à l'homme de trouver un *sens* à sa vie et que l'homme anime (personnifie) en la nommant ÂME

> « *Mais l'âme, en se jouant, aveugle la conscience*
> *Et révèle à l'inquiet une existence aimable* » (P. 171).

L'autre qui, concluant à la vanité de toute chose en ce Monde, s'oppose à la réalisation du désir qu'a l'homme de s'insérer dans l'univers, et qu'il nomme conscience ou RAISON.

Nous appellerons la première ADJUVANT, la seconde OPPOSANT en nous référant pour cela au modèle actanciel désormais célèbre élaboré par A.-J. Greimas dans sa *Sémantique Structurale*, à partir des travaux de V. Propp, *Morphologie du conte populaire russe.* et E. Souriau, *Les 200.000 situations dramatiques.* Ainsi obtenons-nous quatre termes répartis en deux catégories actancielles SUJET VS OBJET et ADJUVANT VS OPPOSANT, subsumant un certain contenu axiologique et des associations sémiques (= classèmes) ou *forces thématiques* comme les appelle E. Souriau et que nous regroupons dans les séries suivantes :

SUJET = Homme (= humanité = chaque être humain quels que soient son sexe, son âge, sa *fonction sociale*)

OBJET = Monde
- Espace
  - Terre = montagnes, déserts etc.
  - mer
  - ciel
- Temps
  - chronologie = les temps passés...
  - axe Vie-Mort
- Nature
  - être vivants
    - hommes
    - animaux
  - végétaux

ADJUVANT = Ame
- Permanence de l'être
  - souvenirs
  - transmission de soi
    - descendance
    - œuvre = renommée
- Projection de l'être
  - amour (sexuel, familial)
  - amitié
  - plaisirs
  - exaltation = besoin de se sentir vivre
  - curiosité = recherche d'un ailleurs

OPPOSANT = Raison
- Conscience de
  - fragilité, fugitivité, vanité des choses
  - mort, maladie, douleur, misère
  - cupidité, envie, jalousie ...
- Refus
  - impuissance à comprendre
  - rejet du monde

Notre modèle actanciel en S est donc le suivant :

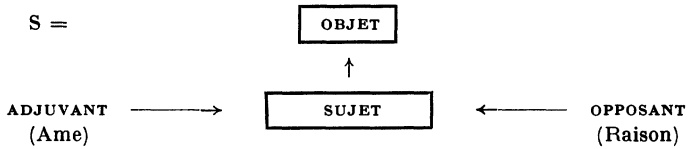


Fig. 1.

Remarque: Notons tout d'abord en passant que « Homme », SUJET, ne peut être confondu avec « hommes », OBJET, (un des classèmes terminaux de « Nature ») ; en effet le premier, en tant qu'il est humain, interroge le second en tant qu'il est au Monde = nous n'avons pas, ici et là, le même actant.

Notons de même que l'on pourrait prétendre que la catégorie actancielle Adjuvant (Ame) vs Opposant (Raison) fait partie du sujet dans la mesure où c'est en soi que l'homme, selon un rythme pulsionnel, trouve des justifications à connaître (= posséder) ou à fuir l'objet de son désir. Le sujet serait donc, selon cette interprétation, alternativement, mais syncrétiquement, Sujet-Adjuvant et Sujet-Opposant. Sans vouloir, faute de place (mais voir déjà *supra*, p. 112 sqq.) entrer dans une analyse de la réalité métapsychique de ces entités, l'on renverra à la présence — au niveau de la forme de l'expression — des marques du dialogue « Sujet-Ame » et « Sujet-Raison » (v. aussi *supra*, p. 98 sq.).

Le syncrétisme actanciel se trouve ailleurs. Il n'existe en effet aucun contrat, en S, qui donne mission, ou propose au sujet d'atteindre l'objet. On peut donc dire que la relation sujet/objet est totalement ouverte = elle peut être ou ne pas être ; seule la décision du sujet crée la relation. Mais dès l'instant que cette relation est créée elle implique que l'objet du désir a fait l'objet d'une communication, laquelle implique à son tour qu'il y a un Destinateur et un Destinataire. Ces deux nouveaux actants sont réunis dans le sujet.

Ainsi le sujet est ou n'est pas selon qu'il se donne, ou non, un objet de désir. S'il est, il est aussi destinateur de cet objet en même temps que son destinataire. L'objet, quant à lui, devient en même temps terme de la relation « désir » et terme

de la relation « communication ». Nous montrons dans le schéma suivant par des pointillés cette nouvelle modulation de l'actancialité dans S.

S =

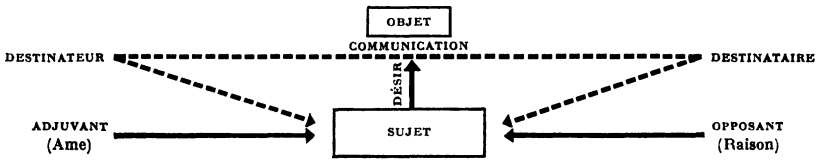


Fig. 2.

Cas de A.

Nous retrouvons ici la même actancialité mais installée dans des catégories qui ont perdu toute ambiguïté du fait de l'intervention de la Parole divine : l'Univers est désormais harmonieux et pertinent.

A =

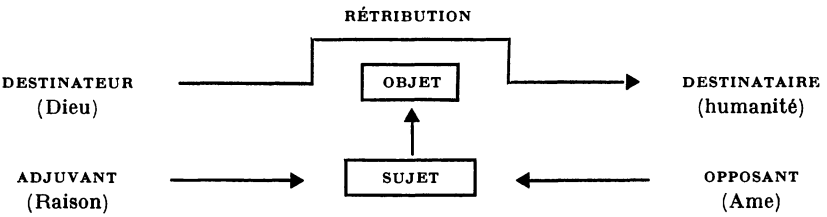


Fig. 3.

Remarques : Il y a toutefois certaines modifications d'importance.

1. La communication est établie, par la Révélation, entre un Destinateur qui est Dieu et un Destinataire qui est l'humanité.

2. La relation Ame vs Raison est inversée dans la catégorie actancielle Adjuvant (= Raison) vs Opposant (= Ame). C'est que :

2-*a)* l'âme est un principe vital que la Révélation ne peut éclairer, donc modifier = elle est restée ce qu'elle était, poussant l'homme à atteindre un objet qui, pour elle, n'a pas changé mais qui n'est qu'une partie de celui qui est désormais offert à la convoitise de l'homme.

2-*b)* La raison s'est trouvée en quelque sorte confirmée dans son refus d'adhérer à cet Ici-bas méprisable ; elle peut donc aspirer en toute sérénité à l'Au-Delà qui lui a été promis.

Nous allons essayer de montrer brièvement comment se réalise cette inversion.

3. L'objet à atteindre est toujours le Monde, mais un monde installé par la Révélation dans une dichotomie

Ici-Bas vs Au-Delà

Cette relation disjonctive des deux termes entraîne un jeu dialectique (v. *supra*, p. 103 sqq.) que nous schématiserons en deux temps :

3-*a)* Posons d'abord les ensemble sémiques inclus dans l'univers actanciel de l'objet à atteindre

$$U \text{ (univers)} = \{B \text{ (Ici-Bas)}, D \text{ (Au-Delà)}\}$$

Chacun de ces deux ensembles impliquent la présence, virtuelle ou non, de son complémentaire dans ce même univers.

$$B \subset U \Longrightarrow \bar{B} \text{ (non-Ici-Bas)} \subset U$$
$$D \subset U \Longrightarrow \bar{D} \text{ (non-Au-Delà)} \subset U$$

si nous représentons ces quatre ensembles B, D, $\bar{B}$, $\bar{D}$ dans un graphe de Caroll :

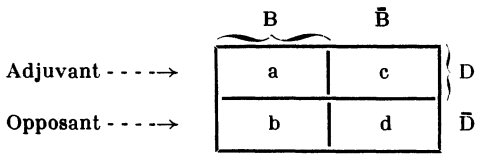


Fig. 4.

nous constatons que ces ensembles ont certains éléments communs ainsi

$$\{a\} = B \cap D \text{ et } \{b\} = B \cap \bar{D}$$

{a} est donc l'intersection des ensembles {B = (Ici-Bas)} et {D = (Au-Delà)} c'est-à-dire qu'il comprend tout ce qui dans {B} appartient aussi à {D}. De même, {b} est l'intersection des ensembles {B} et {$\bar{D}$}, c'est-à-dire qu'il comprend tout ce qui

dans {B} appartient aussi à {$\bar{D}$}. On voit donc réapparaître sous cette forme métaphorique les domaines que nous avions affectés respectivement à Adjuvant et Opposant.

Reste maintenant à leur donner un investissement sémique ce que nous ferons, faute de place, sans démonstration.

{a} = B ∩ D est l'ensemble de ce qui met l'homme en mesure de penser à l'Au-Delà. Les éléments en seront donc la science, la foi, la sagesse, tout ce qui ressortit à la Raison, bref l'Esprit.

{b} = B ∩ $\bar{D}$ est l'ensemble de ce qui dans cette vie matérielle détourne l'homme de penser à l'Au-Delà. Les éléments en seront les désirs, la cupidité, l'envie, tout ce qui ressortit aux passions immédiates de l'Ame, bref la Matière.

3-*b)* Reportons maintenant ces données dans l'algorithme dialectique suivant =

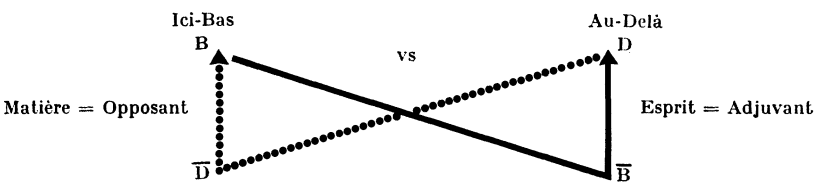


Fig. 5.

Dans lequel B et D sont non seulement en relation d'opposition mais aussi en relation de présupposition réciproque puisque l'un ne peut exister sans l'autre.

Le passage de B vers D, c'est-à-dire l'effacement de B (sans effacement de la relation à moins d'introduire le terme Mort qui éliminerait B donc la relation B/D) ne peut se faire que par le détour par $\bar{B}$, tout ce qui est complémentaire de l'Ici-Bas et qui concerne aussi l'Au-Delà = {c} = $\bar{B}$ ∩ D (fig. 4), c'est-à-dire, en fait, la Parole divine.

Le cheminement inverse, c'est-à-dire l'effacement de D dans la relation B/D ne peut se faire dans ce contexte mythique que dans le cas où l'homme n'aurait pas *reçu* la Parole divine. Dès lors toute spiritualité serait abolie et l'homme serait réduit à la matière c'est-à-dire à la bestialité (v. Propos 220). Dans notre fig. 4 {d} = $\bar{B}$ ∩ $\bar{D}$ = ø (vide).

4. Nous voici donc en mesure de reverser dans notre modèle actanciel A ces nouvelles données.

A =

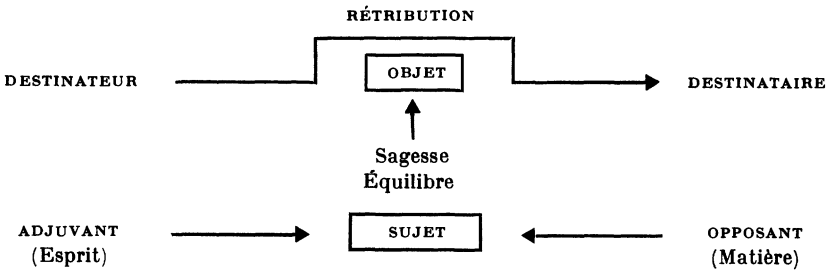


Fig. 6.

La relation de désir sujet/objet est, disions-nous, modulée par l'action des deux forces contradictoires exercées par l'Adjuvant et l'Opposant. La perfection consiste donc à parvenir à un équilibre tel que la résultante de ces deux forces soit toujours nulle en un point quelconque de la relation. Cet équilibre ne se trouve être réalisé que dans le cas d'un seul modèle actanciel, une sorte d'archi-modèle (fig. 6) celui que l'on pourrait construire à partir de l'exemple du Prophète, l'Homme-le Sage.

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THE SOCIETIES PROVIDING FOR THE BARE NECESSITIES OF LIFE ACCORDING TO IBN KHALDŪN AND TO THE PHILOSOPHERS

At the beginning of chapter II, section 1 of Book One of the *Muqaddima*, i.e. in the portion of that work which contains Ibn Khaldūn's philosophy of history, to adopt a convenient, but perhaps not very exact name, human societies are divided into two classes, the Bedouins *(ahl al-badw)* and the sedentary *(al-ḥaḍar)* people (1):

Both Bedouins and sedentary people are natural groups. (2) It should be known that differences of condition among people are the result of the different ways in which they make their living. Their society is (directed) towards cooperation with a view to that (end), the beginning being (concerned) with what is necessary *(al-ḍarūrī)* for (life) and what is simple before (they get to) conveniences *(al-ḥājī)* and luxuries *(al-kamālī)*.

According to Ibn Khaldūn (3) some of the "Bedouins" are engaged in agriculture *(falḥ)*, the cultivation of vegetables and grains. Others get their living from animals, such as sheep, goats, bees and silkworms. Both classes are driven by "neces-

(1) The passage occurs in F. Rosenthal's translation of *al-Muqaddima*, New York 1958, I, p. 249. But sometimes, as partly in the second portion of the passage quoted at this point in the text, a more literal translation is given.

(2) This is the title.

(3) *Ibidem.*

sity", *al-ḍarūra* i.e. the exigencies of their work, to the desert.

The rise in living conditions beyond the Bedouin standards is characterized by Ibn Khaldūn, (1) *inter alia*, by means of the following words: "*wa-ṭa'āwanū 'ala 'l-zā'id 'ala 'l-ḍarūra.* Then they cooperate for (things) beyond the (bare) necessities". The text continues as follows: "They use more food and clothes, and take pride in them. They build large houses, and lay out towns and cities for protection. This is followed by an increase in comfort and ease, which leads to formation of the most developed luxury customs".

In Book I, ch. II, (2) section 2, in the beginning, we find the following passage: "We have mentioned in the previous section that the people of the desert *(ahl al-badw)* adopt the natural manner of making a living *(hum al-munṭahilūn li'l ma'āsh al-ṭabī'ī)* namely agriculture and animal husbandry. They restrict themselves to what is necessary in food, clothing and mode of habitation *(wa-hum muqtaṣirūn 'ala'l-ḍarūrī min al-aqwāt wa'l-malābis wa'l-masākin).*

At the beginning of section 3, i.e. the section following upon the one which has just been quoted, we read the following passage (3): "We have mentioned that the Bedouins *(al-badw)* restrict themselves to what is necessary in their conditions (of life): *hum al-muqtaṣirūn 'ala'l-ḍarūrī fī aḥwālihim)* and are unable to go beyond them, while sedentary people *(al-ḥaḍar)* concern themselves with conveniences and luxuries in their conditions and customs. The (bare) necessities *(al-ḍarūrī)* are no doubt prior to the conveniences and luxuries. (Bare) necessities *(al-ḍarurī)*, in a way, are basic *(aṣl)*, and luxuries secondary *(far')* and an outgrowth (of the necessities). Bedouins *(al-badw)*, thus, are the basis of, and prior to cities *(li 'l-mudun)* and sedentary people. Man seeks first the (bare) necessities *(al-ḍarūrī).* Only after he has obtained the (bare) necessities *(al-ḍarūrī)* does he get to comforts and luxuries.

(1) *Ibidem.*
(2) Rosenthal's translation, p. 250.
(3) Rosenthal's translation, p. 252.

The toughness of desert life *(al-bidāwa)* precedes the softness of sedentary life *(al-ḥiḍāra)*".

The passages which have been quoted illustrate the fact that in speaking of the mode of life of the *badw* or *ahl al-badw* (which will be rendered by the term "Bedouins") and in distinguishing them from more prosperous people Ibn Khaldūn often uses the terme *ḍarūrī* rendered as "the (bare)" necessities (of life) which occasionally is replaced by *ḍarūra* (literally: necessity). In fact, these passages could almost warrant the statement that Ibn Khaldūn equates the Bedouins with people who (pursuing natural manners of making a living) restrict themselves to the bare necessities of life.

It seems to me that a scrutiny of the two terms of this near-equation may permit us to gain some 'insight' into the method used by Ibn Khaldūn in working out his general conception of history and of the science of society *('ilm al-'umrān)*. The summary remarks which will be given here will be mainly concerned with the antecedents of the second of these terms. (1)

As it seems to me, these antecedents may be found in works setting forth the political theory of the Arabic *falāsifa* and, in the last analysis, in Plato.

In *K. al-Siyāsa al-Madaniyya* (2) al-Fārābī, enumerating the various types of Ignorant or Pagan cities (3) (a category which will be briefly discussed hereafter), describes one of these types as follows (4):

Fa'l-madīna al-ḍarūriyya wa'l-ijtimā' al-ḍarūrī huwa 'llādhī bihi yakūn al-ta'āwun 'alā iktisāb mā huwa ḍarūrī fī qawām al-abdān wa-iḥrāzihi. Wa-wujūh makāsib hādhihi al-ashyā' kathīra: mithl al-filāḥa wa'l-ri'āya wa'l-ṣayd wa'l-luṣūṣiyya wa-ghayr dhālika.

"The necessary city and the necessary society are those in which cooperation is (directed) towards procuring what is necessary for the subsistence and preservation of the body.

(1) I hope to deal with the subject as a whole in another study.

(2) Ed. by F. M. Najjār, Beirut 1964.

(3) Cf. p. 87 : *al-mudun al-jāhila.* In the same context al-Fārābī refers *(ibidem)* to *ahl al-jāhiliyya.*

(4) See p. 88. Only the beginning of the description is given here.

The ways of procuring these things are many: for instance agriculture, tending (flocks), hunting, (1) brigandage and other occupations".

In al-Fārābī's *Ārā' ahl al-madīna al-fāḍila*, (2) the type of city with which we are concerned is described as follows»(3):

Minhā al-madīna al-ḍarūriyya, wahya 'llātī qaṣd ahliha al-iqtiṣār 'ala'l-ḍarūrī mimmā bihi qawām al-abdān min al-ma'kūl wa l-malbūs wa l-maskūn wa l-mankūḥ wa l-ta'āwun 'alā istifādatihā.

"One of them (4) is the necessary city. It is (the city) in which the people's aim is restricted to what is necessary (5) for the subsistence of the body in (the way of) food, drink, habitation and sexual intercourse and to cooperation in obtaining these (things)."

Some parts of these two descriptions (6) are, quite evidently, very similar to, or even practically identical with, some of Ibn Khaldūn's characterizations of Bedouin societies which are quoted above. This comes out clearly in a confrontation between the following texts:

I A sentence of the first passage quoted above from the *Muqaddima* (Book I, ch. II, section 1) and the beginning of the characterization in *K. al-Siyāsa al-Madaniyya*. First the sentence from the *Muqaddima:*

Fa-inna ijtimā'ahum huwa li'l-ta'āwun 'alā taḥṣīlihi, wa'l-ibtidā' bimā huwa ḍarūrī minuh wa-basīṭ...

"Their society is (directed) towards cooperation with a view to that (end), the beginning (7) being (concerned) with what is necessary for (life) and simple."

The corresponding passage in *K. al-Siyāsa al-Madaniyya* reads:

(1) Or : fishing.
(2) Ed. F. Dieterici, Leiden 1895.
(3) P. 62.
(4) I.e. of the Ignorant or Pagan cities : *al-madīna al-jāhiliyya*, see p. 61.
(5) Literally: its people's aim is the restriction to what is necessary.
(6) A short characteristic of the necessary city, which occurs in Averroes' Paraphrase of Plato's *Republic*, is in the main identical with al-Fārābī's descriptions. This characteristic is quoted below.
(7) I.e. the Bedouin society.

Fa'l-madīna al-ḍarūriyya wa'l-ijtimā' al-ḍarūrī huwa 'alā iktisāb mā huwa ḍarūrī fī qawām al-abdān wa-iḥrāzihi.

"The necessary city and the necessary society are these in which [cooperation is directed towards] the aspiration of what is necessary for the subsistence and preservation of the body". II An even greater verbal similarity is brought forth by a confrontation between two passages from the *Muqaddima* quoted above and the beginning of the characterization in *Ārā' Ahl al-Madīna al-Fāḍila.*

Al-Muqaddima, Book I, ch. I, section 2:

wa-hum muqtaṣirūn 'ala'l-ḍarūrī min al-aqwāt wa l-malābis wa l-masākin.

"They restrict themselves to what is necessary in food, clothing and mode of habitation."

Al-Muqaddima, Book I, ch. II, section 3:

Qad dhakarnā anna l-badw hum al-muqtaṣirūn 'ala 'l-ḍarūrī fī aḥwālihim.

"We have mentioned that the Bedouins restrict themselves to what is necessary in their conditions of life."

Ārā' Ahl al-Madīna al-Fāḍila:

Minhā al-madīna al-ḍarūriyya, wahya'llatī qaṣd ahlihā al-iqtiṣār 'ala 'l-ḍarūrī mimmā bihi qawām al-abdān min al-ma'kūl wa l-malbūs wa l-maskūn wa l-mankūḥ...

"One of them is the necessary city. It is (the city) in which the people's aim is restricted to what is necessary for the subsistence of the body in (the way of) food, drink, habitation and sexual intercourse..."

The obvious similarities in wording between the passages of al-Fārābī and of Ibn Khaldūn have a corroboratory function: they serve to confirm the main conclusion which emerges from our confrontations. This conclusion may be formulated as follows:

In Ibn Khaldūn's near-equation of Bedouins with people restricting themselves to the bare necessities of life, *al-ḍarūrī*, the second term is the one used by al-Fārābī (who uses *al-ḍarūrī*, in a similar sense) to characterize the people of the "necessary" society. In other words, Ibn Khaldūn's definition of the

badw is the one used by al-Fārābī (and other *falāsifa*) with respect to the "necessary" city or society. According to philosophical terminology the Bedouin society, as described by Ibn Khaldūn, was a "necessary society" *(ijtimāʿ ḍarūrī)*. It seems probable that Ibn Khaldūn's definition is derived from that of the *falāsifa;* this is quite a substantial debt.

It may be briefly noted that there is a certain similarity between the occupations of the Bedouins as enumerated by Ibn Khaldūn in the *Muqaddima*, Book I, ch. II, section 1 (see above) and the pursuits of the people of the "necessary society", as set forth in *K. al-Siyāsa al-Madaniyya;* in both passages agriculture and animal husbandry are referred to. However, the lists differ in detail; in this instance Ibn Khaldūn cannot by any means be supposed to have simply adopted the views of some philosophers (see also below).

As has been stated, al-Fārābī's "necessary city" or "society", belongs to the category of "Ignorant or Pagan cities".

Both *K. al-Siyāsa al-Madaniyya* (1) and *Ārāʾ Ahl al-Madīna al-Fāḍila* (2) list in the same order the six following types of these cities (3):

1) The "necessary" city or society; 2) The abject city and society *(madīnat al-nadhāla wa-ijtimāʿ al-nadhāla)*, whose inhabitants cooperate with a view to the acquisition of wealth; 3) The vile city and society *(madīnat al-khissa waʾl-ijtimāʿ al-khasīs)*, whose inhabitants cooperate with a view to the enjoyment of pleasure; 4) The timocratic city and society *(al-madīna al-karāmiyya wa-ijtimāʿ al-karāma)* whose inhabitants cooperate with a view to obtaining honours; 5) The city or society of conquest *(madīnat al-taghallub wa-ijtimāʿ al-taghallub)*, whose inhabitants cooperate with a view to mastery (4); 6) the democratic city *(al-madīna al-jamāʿiyya)*, whose inhabitants are free and equal. (5)

(1) See p. 87 ff.

(2) See p. 61 ff.

(3) As far as small variations are concerned, we follow *K. al-Siyāsa al-Madaniyya*

(4) Or: power.

(5) In *K. al-Milla* al-Fārābī, enumerating the objectives pursued by Ignorant or Pagan cities, says that these may be pleasure or honours or wealth or other (things);

Out of these six types of cities four (namely Nos. 2, 4, 5 and 6) correspond to those described in the 8th book of Plato's *Republic*; they are supposed to mark the different stages of the corruption of the ideal city.

The timocratic city which immediately follows upon the ideal city corresponds to al-Fārābī's No. 4; the oligarchic city, whose inhabitants prize wealth corresponds to al-Fārābī's No. 2; the democratic city corresponds to al-Fārābī's No. 6; and tyranny corresponds to al-Fārābī's No. 5. This leaves the "necessary city" and the city whose inhabitants cooperate with a view to pleasure, al-Fārābī's Nos. 1 and 3, unaccounted for.

Unlike al-Fārābī, Averroes in his Paraphrase of Plato's *Republic* (1) seems to recognize that the imperfect régimes may be divided into two groups. In one passage (2) he states that, according to Plato, there are five simple régimes; he refers to the ideal State and the four imperfect régimes described in the 8th book of the *Republic* (3); Averroes lists them in the order in which they figure in that book. As there are two types of the ideal State, one in which a king rules and another in which the best rule, six régimes may be counted.

Further on (4) in a passage which does not immediately follow

he clearly does not mean the enumeration to be complete. *K. al-Milla* is edited by M. Mahdi, in *Alfārabi's Book of Religion and Related Texts*, Beirut 1968, p. 55.

(1) The Arabic original of this work is lost. The Hebrew version of this work made in the beginning of the 14th century by Samuel b. Yehuda has been edited and translated by E.I.J. Rosenthal under the title *Averroes' Commentary on Plato's Republic*, Cambridge University Press, 1956. In a Hebrew article published in *'Iyyun*, VIII, 2, Jerusalem 1957, pp. 65-84, I have pointed out that Rosenthal's footnotes give a demonstrably incorrect interpretation of Averroes' attitude towards the Islamic state, and that his translation of some crucial passages of the Hebrew text touching upon this problem is inexact. In *Semitic Studies*, V 1960, pp. 176-195, J. L. Teicher has severely criticized Rosenthal's edition of the Hebrew text. For reasons which will be given elsewhere these strictures seem to me to go too far. The Latin version of Jacob Mantinus, made in 1539, is a translation of the Hebrew text.

(2) Hebrew text, p. 80, ll. 16-22; English translation p. 207.

(3) The oligarchic State, corresponding to al-Fārābī's No. 2, is described as "the leadership of the few, and this rule based on money, also known as the leadership of vice" (Rosenthal's translation).

(4) Hebrew text, p. 81, ll. 9-12; English translation, p. 209.

upon the one which has been dealt with, Averroes mentions two other régimes:

"We think that there is yet another kind of régime, namely the régime of the concupiscent. This is the régime in which people (1) aim at pleasure alone. If you join to this régime the "necessary" régime, (2) the kinds of régimes are eight. (3)"

The last two régimes are clearly al-Fārābī's Nos. 1 and 3, which have no counterpart in the eighth book of the *Republic*.

A pointer to the solution of the problem posed by these two cities may be found in Albinus' *Eisagōgē*, an Introduction to Plato's doctrine, which was composed in the 2nd century of the Christian era and sets forth the conceptions of the so-called Middle Platonism. Chapter XXXIV of that work enumerates *inter alia* the various régimes described by Plato in the *Republic*, the ideal constitution being followed, in the order found in Plato, by the imperfect ones of the 8th book. But the ideal régime is not the first to be mentioned in that text. It is preceded there by 1) the "unwarlike" (ἀπόλεμος) régime (or the régime without wars), and 2) by the "feverish" (φλεγμαίνουσα) régime, i.e. the two régimes or cities described in the 2nd book of the *Republic*.

If we glance at this book, we shall find some data which seem to be relevant for the purposes of our enquiry. Let us start with Plato's second city. (4) This "feverish" city is also described by Plato as τρυφῶσα (5) "luxurious" or "revelling in pleasures"; it is a city which provides all kinds of pleasures and superfluous luxuries, and thus may well correspond to al-Fārābī's city and society No. 3, "whose inhabitants cooperate with a view to the enjoyment of pleasure". We come now to Plato's first city. (6) This city is called ἡ ἀναγκαιοτάτη πόλις (7) "the most necessary city"; it is "the city of utmost necessity"

(1) Or: "rulers".
(2) *Ha-hanhaga ha-hekhreḥith.*
(3) Rosenthal's translation has been altered in various particulars.
(4) Whose description begins in *Republic* II, 13, 372E.
(5) *Republic*, 372E.
(6) Whose description begins in *Republic* II, 11, 369B.
(7) *Republic*, 369D.

(A. Bloom's translation). Al-Fārābī's *al-madīna al-ḍarūriyya* (the appellation of city No. 1) can be regarded as a literal translation of the Greek expression. (1) This first city of Plato "which our need (χρεία) makes", (2) provides like al-Fārābī's city (3) only for the bare necessities of life, which Plato calls τὰ ἀναγκαῖα (4), and al-Fārābī *al-ḍarūrī;* (5) the Arabic term seems to be a translation of the Greek.

Given the identity of the appellation and the identity of the objectives (namely the bare necessities of life) with a view to which the inhabitants cooperate, it seems certain that "the necessary city" of al-Fārābī and Averroes is in the last analysis a derivation from Plato's "necessary city".

Nevertheless there is a considerable difference between the two conceptions.

According to Plato (6) "the necessary city" is formed, because of the utility of the division of labour, by a certain number of men engaged in different occupations, for instance agriculture, house-building, weaving and shoe-making. (7)

Al-Fārābī and Averroes (see below), on the other hand, do not refer in this context to the utility of the division of labour. The occupations of the people of the "necessary city" which they mention, do not appear to be intended to produce what Plato calls a "complete" τελέα (8) city, i.e. a city in which men exercise the crafts necessary for human life are pursued.

Averroes' *Commentary on Plato's Republic* contains the following passage (9): "The necessary cities are those whose

(1) The only difference is that the Greek, unlike the Arabic, has a superlative.

(2) *Republic* 369C. For the rôle of χρεία in the formation of the city in question cf. also 369D; 371A; 371D.

(3) And the corresponding régime in Averroes.

(4) *Republic* II, 13, 373A; cf. 373B.

(5) See above. Averroes' *Commentary on Plato's Republic* in a passage dealing with the "necessary régime", p. 86, ll. 24-25, uses in order to express the same notion the words: *ha- 'inyannim ha-hekhreḥiyyim*; see below.

(6) *Republic* 369D.

(7) A similar view of the raison d'être of human society is found in Abū Bakr al-Rāzī's *Al-Ṭibb al-Rūḥānī*, see *Abi Bakr Mohammadi filii Zachariae Raghensis (Razis) Opera Philosophica*, ed. P. Kraus, Cairo 1939, pp. 80-81.

(8) *Republic* 371E.

(9) Hebrew text, p. 86, ll. 24-26; English translation, p. 217. Rosenthal's translation has been altered in some particulars.

inhabitants aim in their society at obtaining the necessities. (The means) by which they obtain the necessities are either agriculture, hunting or brigandage."

A passage in al-Fārābī's *K. al-Siyāsa al-Madaniyya*, which is quoted above, gives the same list of the occupations of the people of the necessary cities, with one addition; they are also said to engage in tending cattle.

As far as I can see, there is no indication that Averroes' conception of the imperfect cities was influenced by al-Fārābī's. The latter deviates much more from the text of the *Republic*. (1) The mere fact that, as we have seen, Averroes, contrary to al-Fārābī, lists the cities described in the 8th book of the dialogue in the correct order and that he differentiates between them and the cities characterized in the second book, is significant in this respect.

The fact that, in spite of the apparent absence of an influence of al-Fārābī on Averroes with regard to the point of political theory which is under discussion, the descriptions of the "necessary cities" given by the two philosophers are so similar makes it rather probable that both of them got their conception of these cities from one and the same Greek source (2). This source may have been—but this is a mere conjecture—Galen's lost paraphrase of Plato's *Republic*, which was translated into Arabic and is referred to in Averroes' *Commentary* on that dialogue. This means that at some time Plato's term "the necessary city" was made to apply (as is shown by the texts of al-Fārābī and Averroes) to a category of primitive communities, whose inhabitants are engaged in a number of unsophisticated activities (3). Contrary to Plato's "necessary city" these

(1) Al-Fārābī's theory of the imperfect state forms an intricate schema because, besides the Ignorant (or Pagan) cities, he postulates the existence of Transgressing *(fāsiqa)* cities, and Erring *(ḍālla)* cities. I cannot go here into al-Fārābī's reasons for posing the existence of these types of cities. These conceptions need not have led him to modify Plato's descriptions of what al-Fārābī called the Ignorant Cities.

(2) In theory, it is, of course, conceivable that al-Fārābī used a different Greek source from Averroes. However in that case the two hypothetical sources must have contained virtually identical descriptions of the necessary cities.

(3) See above.

communities, occasionally designated as "necessary society," are not invariably peaceful and non-violent. For one of their activities is brigandage. Like Plato's "necessary city" and like Ibn Khaldūn's *badw*, (1) they seems to have been considered by Averroes (2) as prior in time to the other forms of society.

As we have seen, it was this philosophical conception of "the necessary society" whose members cooperate with a view to procuring the bare necessities of life that Ibn Khaldūn seems to have equated with what he called *badw*. The latter term was more particularly applied to a way of life peculiar to some of the Arabs and to certain portions of several other, mainly Islamic, peoples. Its equation with the philosophical concept gave it a universal status. (3) It came to designate an early stage in the history of all peoples and all societies. On the other hand, the brief and schematic accounts of "the necessary cities" given by al-Fārābī and Averroes were replaced by Ibn Khaldūn by detailed and many-faceted descriptions of the way of life of the Arab (and the Berber) Bedouins, which it was his business as an historian (4) to know well.

In the context these descriptions seem to be intended in the first place to furnish traits typical for Bedouin societies in general; this category being the subject treated by Ibn Khaldūn. Accordingly the way of life of the Arab Bedouins acquires a paradigmatic character.

(1) Conceivably an attempt may have been made to harmonize the description of the "necessary city" found in the *Republic* with the account given in Plato's *Laws* (677 A ff.) of the early unsophisticated communities formed by the survivors of the Deluge.

(2) Cf. *op. cit.*, Hebrew text, p. 84, l. 10; translation, p. 214, ll. 8-9, see below.

(3) As we have seen, agriculture is one of the occupations of the inhabitants of the "necessary societies" referred to by the philosophers. It is, perhaps, partly because of his wish to equate this philosophical concept with his notion of *badw* that Ibn Khaldūn speaks of agriculture as an occupation of the Bedouins. Another reason may have been his wish to include in this category Berbers who were engaged in agriculture (see *al-Muqaddima*, Book I, ch. II, part 2, Rosenthal's translation, I, pp. 250-251). In the Introduction to his translation, Rosenthal remarks (I, p. LXXVII), that "outside the Arabian Peninsula, the term *badāwah* was applied to the largely sedentary rural people living at some distance from the great population centres". In his detailed list of the occupations of the Bedouins, Ibn Khaldūn probably drew inter alia upon his personal knowledge of their way of life.

(4) And no doubt also as a man interested in public affairs.

In Ibn Khaldūn's view, Arab history too appears to have had a paradigmatic character. According to him, the invasion of the lands of sedentary peoples by Bedouins, the acquiring by the latter of a taste for the sciences, arts, crafts and luxuries of civilization, and as a consequence, the loss of group feeling and of the military virtues and the decadence of the conquerors and a renewed invasion by a people habituated only to the bare necessities of life, are ever recurrent phenomena. If one abstracts from the rôle assigned by Ibn Khaldūn to war and to conquest—and this is, of course, not an easy thing to do—there is a partial resemblance between this schema propounded in the *Muqaddima* and Plato's view of the transition from the "necessary" to the "luxurious city". Not unlike Ibn Khaldūn's sedentary people, who "cooperate for things beyond the (bare) necessities" (1) the people of Plato's "luxurious city" are "gorged with a bulky mass of things, which are not in cities because of necessity". (2) It is tempting to suppose that Ibn Khaldūn was acquainted with some (presumably very much altered) version of Plato's account of the transition from one city to another and of the characteristics of the "luxurious city", and that he adapted it for his own purposes. However there is a difficulty: neither al-Fārābī nor Averroes speak of the transition from the "necessary" city to the city whose objective is pleasure; i.e. al-Fārābī's No. 3. In fact, al-Fārābī, like Albinus, (3) forgoes any mention of the transition from one city to another.

Averroes, however, refers to a transformation which might be relevant in this connection. Speaking of the "democratic" (4) city or society, he says (5): "Thus it seems that this is the first among the cities growing out of the necessary cities. For when men obtain what is necessary, they are aroused to their desires, and this city will necessarily come into existence".

(1) Rosenthal's translation, I, p. 249; *ta'āwanū 'ala' l-zā'id 'ala'l-ḍarūra.*

(2) ἃ οὐκέτι τοῦ ἀναγκαίου ἕνεκά ἐστιν ἐν ταῖς πόλεσιν : *Republic*, 373B.

(3) See *Eisagōgē*, c. XXXIV.

(4) *qehaliyi*, a translation of *jamā'ī*.

(5) Hebrew text, p. 84, ll. 9-10, English translation, p. 214. A similar statement is made in another context in a passage in which "democratic" is rendered by

Thus, Averroes, though, as we have seen, he differentiates in another context between two groups of imperfect cities, the one described in the 2nd book of the *Republic* and the one described in the 8th, substitutes here for the "luxurious" city, belonging to the first group, the "democratic", which belongs to the second. (1)

The characteristic of the "democratic" cities given by Averroes could have called to Ibn Khaldūn's mind the civilized sedentary societies with which he was familiar. As we have seen the inhabitants of the "democratic" societies are said to be "aroused to their desires". The democratic man is described as trying to satisfy not only the necessary but also the "unnecessary desires". (2)

It may be added that, according to Averroes (3), "most of the cities existing today" are "democratic". In other words, most of the Islamic sedentary States (to use Ibn Khaldūn's terminology) are democratic.

Some such descriptions of the transition from the "necessary" to the "democratic" or to the "luxurious" city may have been known to Ibn Khaldūn when he worked out his historical schema of the transformation of the Bedouin societies restricted to the bare necessities of life into the civilized societies. (4)

The theory has been put forward (5) that Plato's description

qibbūṣi: (Hebrew text, p. 93, ll. 20-21; English translation, p. 230): "It seems that the first cities to come into being naturally are the necessary cities, then the democratic cities follow, and then every one of these cities (i.e. every type of city) branches off from them". In this context the word: "naturally", *be-ṭebha*, is of interest. It may be relevant that, according to Ibn Khaldūn, both the Bedouin and the sedentary societies are "natural" *ṭabī'ī*.

(1) The confusion between the two groups leads to inconsistencies. P. 92, l. 13; translation, p. 227, Averroes refers, in accordance with Plato, to the transformation of the plutocratic city into the democratic, whereas p. 93, ll. 23-24, of the Hebrew text (as well as p. 84, ll. 7-8), he states that the democratic cities follow upon the "necessary cities".

(2) Hebrew text, p. 94, ll. 11-12; translation, p. 231.

(3) P. 84, ll. 5-6 of the Hebrew text, translation, p. 214.

(4) There exists, of course, also the possibility that the philosophical concept of the "necessary city" as defined above might have suggested by itself, with no further assistance from a philosophical text, the complementary notion of a society which is not restricted to the bare necessities. He could, of course, use this notion in describing the sedentary Islamic societies known to him from history and from his personal experience.

(5) By K. Reinhardt, see *Hermes*, 47, 1912, p. 503 ff.

in the 2nd book of the *Republic* of the "necessary" and the "luxurious city" is, because of the rôle which it assigns to "need" (χρεία), an adaptation of a doctrine of Democritus. This thesis may not be capable of proof, but there can be no doubt that this portion of the *Republic* has a naturalistic approach to the problems of society. (1) It seems to me significant that it was this text of Plato that, no doubt indirectly, influenced Ibn Khaldūn, whereas he rejected the Platonizing speculations of the *falāsifa* concerning the Ideal City. (2)

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(1) The "necessary city" corresponds to an economy determined by scarcity, while the "luxurious" city is conditioned by an economy characterized by abundance.

(2) In this short paper I cannot go into his reasons for rejecting these speculations. In another article, I hope to do so and to take issue with different conceptions (notably that of Professor M. Mahdi) of Ibn Khaldūn's position.

AL-ḤIKMAT AL-ILĀHIYYAH AND *KALĀM**

When we speak of *al-ḥikmat al-ilāhiyyah* we do not mean simply the *ilāhiyyāt* of the works of Muslim Peripatetics such as Ibn Sīnā and Ibn Rushd, nor the *Ḥikmah* that some of the theologians like Fakhr al-Dīn Rāzī refer to as being synonymous with *Kalām*. Rather, we mean that blend of rational philosophy, illumination and gnosis and the tenets of revelation that formed into a synthesis after Suhrawardī and mostly thanks to him, and that reached its peak with Ṣadr al-Dīn Shīrāzī and his students.(1) In this paper we wish to examine the relation between the followers of the school of *al-Ḥikmat al-ilāhiyyah*, or *Ḥikmat-i ilāhī* (especially that part concerned with "the general principles" *(al-umūr al-'āmmah)*) and *Kalām*. Although the view of all the *ḥukamā'* of this school concerning *Kalām* is not the same, there is enough unity of view to warrant such a study, in the same way that one can speak of the relation between *mashshā'ī* philosophy and *Kalām* even though all of the Muslim Peripatetic philosophers have not held the same views concerning *Kalām*.

* Text of a paper delivered at the Conference on Early Islamic Thought in honor of Harry A. Wolfson at Harvard University, April, 1971.

(1) See S. H. Nasr, *Three Muslim Sages*, Cambridge (U.S.A.), 1964, chapter II; S. H. Nasr, "Suhrawardī" and "Mullā Ṣadrā" in *A History of Muslim Philosophy*, ed. by M. M. Sharif, Wiesbaden, vol. I, 1963 and vol. II, 1966. See also H. Corbin, "La place de Mollā Ṣadrā Shīrāzī (ob. 1050/1640) dans la philosophie iranienne," *Studia Islamica*, vol. 18, 1963, pp. 81-113.

In the history of the struggle and reciprocal influence between *Falsafah* and *Kalām* in Islam, we can, for the sake of the present discussion, distinguish four periods:

1. The earliest period, from the beginning to the third/ninth century, when the Mu'tazilite school was dominant in *Kalām*, and *Falsafah* was passing through its period of genesis and early development with such figures as Īrānshahrī and al-Kindī and his students. This period was one of distinct but parallel development of and close association between *Falsafah* and *Kalām* in an atmosphere more or less of relative mutual respect, at least in the case of al-Kindī himself, although from the side of *Kalām* certain of its branches such as the school of Basra opposed *Falsafah* violently even during this early period.

2. The period from the third/ninth to the fifth/eleventh century, from the rise of Ash'arite theology and its elaboration to the beginning of the gradual incorporation of certain philosophical arguments into *Kalām* by Imām al-Ḥaramayn al-Juwaynī and his student Ghazzālī. This was a period of intense opposition and often enmity between *Falsafah* and *Kalām*, a period whose phases have been so ably studied along with those of the first period by many western scholars, from Munk, Steinschneider, Horovitz and Horten to Gardet and of course H. A. Wolfson, the person whom we are assembled here to honor and a scholar whose studies in the domain of the relation between *Falsafah* and *Kalām* during the early period of Islamic history mark one of the highlights of Occidental scholarship on Islam.

3. The period from Juwaynī and Ghazzālī to Fakhr al-Dīn al-Rāzī, that is from about the fifth/eleventh to the seventh/thirteenth centuries when, while the opposition between *Falsafah* and *Kalām* continued, each began to incorporate into itself more and more of the elements of the other. *Falsafah* began to discuss more than ever before problems such as the meaning of the Word of God, the relation between human and Divine will, the Divine Attributes, etc., which had always been the central concern of *Kalām*, while *Kalām* became ever more "philosophical", employing both ideas and arguments drawn

from *Falsafah*. As a result at the end of this period, as already noted by Ibn Khaldūn, men appeared whom it is difficult to classify exactly either in the category of *faylasūf* or *mutakallim* and who could be legitimately considered as belonging to either or to both groups.

4. From the seventh/thirteenth century onward, when the school of *al-Ḥikmat al-ilāhiyyah* or *Ḥikmat-i ilāhī* developed fully and a new type of relation came into being based on the trends established during the third period. Since the *Ḥikmat-i ilāhī* began to develop particularly in Persia where Shi'ism was also on the rise, naturally much of the interreaction between *Ḥikmah* and *Kalām* involved Shi'ite *Kalām*, although Sunni *Kalām* must not by any means be forgotten, for even if most of the *ḥakīms* were Shi'ite, they were nevertheless well versed in and fully aware of the arguments of Sunni *Kalām*, to which they often addressed themselves.

During the last two periods in question the opposition of the followers of *al-Ḥikmat al-ilāhiyyah* to *Kalām*, and especially to the *Kalām* of the Ash'arite school, continued and in a sense grew, while from the point of view of the subject matter discussed and the arguments presented that were based upon the traditional sources of Islam, there was an ever greater rapprochement between the two. Ash'arite theology is too often taken as representing Islamic theology as such, although recent scholarship has shown that even in Sunni circles it has never represented all religious thought or "theology" in its Christian sense and has always been opposed by a segment of the Sunni religious community.(1) The Quran and the Sunnah on the one hand and the pure metaphysics and gnosis derived from the esoteric teachings of Islam and contained in Sufism on the other hand were there to show some of the innate shortcomings of the whole Ash'arite approach.(2)

(1) See for example G. Makdisi, "Ash'arī and the Ash'arites in Islamic Religious History," *Studia Islamica*, vol. 17, 1962, pp. 37-80, and vol. 18, 1963, pp. 19-39.

(2) See F. Schuon, "Dilemmas of Theological Speculation," *Studies in Comparative Religion*, Spring, 1969, pp. 66-93.

The followers of *al-Ḥikmat al-ilāhiyyah* considered the method of *Kalām* as illegitimate but its problems as of vital importance. While they held the same reverence for the Quran and Sunnah as the followers of *Kalām* and drew from these sources for their doctrines, they refused to accept the methods of *Kalām* as sufficient or even legitimate in solving the more profound questions of religion and their metaphysical implications. In fact it can be said that the *Ḥukamā'-i ilāhī*, as they are usually called in Persian, believed themselves to be exactly that class of religious scholars who possessed the necessary intellectual means to explain the intellectual content of religion and answer the questions posed for religion by the discursive mind, or in other words to accomplish those very goals which the *mutakallimūn* attempted to accomplish but failed to do so in a satisfactory manner in the eyes of the *ḥukamā'*.

The change from opposition to *Kalām* to replacing its very role and function, at least in the cultural orbit of Persia where *Ḥikmat-i ilāhī* flourished, can be seen in the intermediary figures between Suhrawardī and Mullā Ṣadrā. Suhrawardī himself makes singularly little reference to *Kalām* while at the same time he discusses the most essential problems of *Kalām* such as the Divine Attributes, God's knowledge of the world, etc., in the light of his own *ishrāqī* doctrines. Naṣīr al-Dīn al-Ṭūsī, who followed him by a century, was both *ḥakīm* and *mutakallim* and in fact the founder of Shi'ite systematic theology thanks mostly to his *Tajrīd*.(1) His student, Quṭb al-Dīn Shīrāzī, the commentator of Suhrawardī and at the same time a Peripatetic philosopher, showed less interest in *Kalām* than his master while being aware of its arguments. But another of Naṣīr al-Dīn's students, 'Allāmah Ḥillī, was again both a foremost theologian and a *ḥakīm*.

The tendency toward a synthesis between *Ḥikmat-i ilāhī* and *Kalām* became even more accentuated in the eighth/fourteenth and ninth/fifteenth centuries. While specifically

(1) The study of the numerous commentaries and glosses written upon this major work during the past seven centuries would be a major contribution to the history of both Shi'ite *Kalām* and *Ḥikmat-i ilāhī*.

Shi'ite theologians such as Ibn Abī Jumhūr Aḥsā'ī and Sayyid Ḥaydar Āmulī were well versed in the doctrines of *Ḥikmat-i ilāhī*, some of the best known *ḥakīms* of the age, such as Jalāl al-Dīn Dawānī, Ṣadr al-Dīn and Ghiyāth al-Dīn Manṣūr Dashtakī and Mīr Sayyid Sharīf Jurjānī were as much at home with *Kalām* as *Ḥikmah*. It is hardly possible to say whether Dawānī was a *ḥakīm-i ilāhī* or a *mutakallim*. While Ṭūsī was well versed in both schools but expressed the view-point of each in separate works and did not combine their arguments in a single book or a single doctrinal synthesis, Dawānī combined arguments and methods of both schools in his exposition of the nature of things and attempted a synthesis between them. In his method he typifies many of the figures of his day.

With Mullā Ṣadrā the new relation between *Kalām* and *al-Ḥikmat al-ilāhiyyah* which had been developing since the seventh/thirteenth century reaches a new peak and the summit of its development.(1) Mullā Ṣadra knew well the important Mu'tazilite and Ash'arite theologians, especially Ghazzālī and Fakhr al-Dīn Rāzī, and also the most important Shi'ite theologians before himself. In fact among the Islamic philosophers probably none was as well acquainted with *Kalām* as he. *Kalām* represents, along with Peripatetic philosophy, *ishrāqī* theosophy and *'irfān*, one of the basic elements from which he created his vast synthesis. He turns to the arguments of *Kalām* again and again especially in the *Asfār* and he confirms and praises some of the arguments of the *mutakallimūn* in certain places(2) while rejecting them violently in others.(3)

(1) Concerning Mullā Ṣadrā's teachings as the synthesis of the different schools preceding him see S. H. Nasr, *Islamic Studies*, Beirut, 1966, chapter X; and H. Corbin, prolegomena to Mullā Ṣadrā's *Le livre des pénétrations métaphysiques*, Tehran-Paris, 1964. We have dealt fully with this subject in our forth-coming *Ṣadr al-Dīn Shīrāzī and His Transcendent Theosophy*.

(2) For example in the *Asfār*, lithographed edition, Tehran, 1222 (A. H. lunar), p. 147, he confirms the arguments of the *mutakallimūm* against the possiblity of a series that continues *ad infinitum*, and in the section on proofs for the existence of God, p. 548, he confirms their arguments for His existence based on motion.

(3) For example, on p. 345 where their views about time are rejected, and the whole last section of the fourth *safar*, vol. IV of the *Asfār*, where their views on eschatology are completely refuted.

What is, however, most interesting in Mullā Ṣadrā's views about *Kalām* is not his acceptance of some of their beliefs and arguments nor the fact that every single problem discussed by *Kalām* is also considered by him in his "transcendent theosophy" *(al-ḥikmat al-muta'āliyah)*. Rather, it is his views concerning the very nature of *Kalām* and the shortcomings of the knowledge acquired through its methods. According to him the *mutakallimūn* in general have not purified their inner being so as to enable the intellect within them to perceive directly the Divine Realities without the dimming and obscuring influence of the carnal soul. In the *Si aṣl* he says in bitter words which reflect the hardship he has suffered at the hands of some of the superficial *'ulamā'* and *mutakallimūn* who opposed his gnostic teachings, "Some of those who pretend to be scholars and are full of evil and corruption and some of the *mutakallimūn* who have no logic or reason... have made opposition to the Sufis their slogan."(1) And he continues, "Oh dear scholar and oh conceited *mutakallim!* Until when and for how long will you mark the face of intimacy with the mole of fear and cast the earth of darkness upon the eye of faithfulness through distress and be busy with admonition and oppression of the people of purity and faithfulness? Until when and for how long will you wear the dress of deception and hypocrisy and the robe of trickery and imposture, and drink the cup of conceit from the hands of the fiend that appears as an angel, and use your effort in destroying the truth and spreading falsehood, in vilifying the man of knowledge and praising the ignorant?..."(2)

In his *Kasr aṣnām al-jāhiliyyah*, Mullā Ṣadrā makes clearer the reason why *Kalām* cannot reach the heart of religious truth. He writes, "The differences that occur among scholars of *Kalām* and jurisprudence *(Fiqh)* in the important questions and the general principles of religious injunctions, and not in secondary details where differences can exist, originate in the failure of their effort to seek the truth of things and in the fact that they do not penetrate into all of the aspects of the truth. The way

(1) *Si aṣl*, ed. by S. H. Nasr, Tehran, 1340 (A. H. solar), pp. 5-6.
(2) *Ibid.*, p. 7.

to reach certainty *(yaqīn)* in the inquiry into religious truths and the inner meaning of the teachings of the Prophet is not through discussions of *Kalām* and disputations. Rather, it is through the acquiring of inner and intuitive knowledge, the abandoning of what one's nature is accustomed to, the rejection of worldy and base things and the disregarding of the opinions of creatures, the praise of men and the attention of rulers. In summary, it is through the realization of real asceticism before the world, its children, its wealth and its glory.

"Worldly glory is a greater temptation than wealth. And worldly glory deriving from a social status based upon [pretended] knowledge and righteousness is a worse corruption in the hearts [of men] than the worldly glory derived from authority over their bodies and based upon might and power. For from the former originate most disputations and discussions of *Kalām* and the rivalries and controversies of *Fiqh*, whose origin is the desire for fame and social prestige throughout the land, the love to rule and to control the servants of God, great hope in what is desirable physically, the wish to continue to subsist on this earth and to cling to it, satisfaction with the life of this world and being removed from the good pleasure of God, the Exalted, on the Day of Resurrection."(1)

With this stern judgment, which concerns not the result but the very origin of the thoughts and words of the *mutakallimūn*, Mullā Ṣadrā attacks *Kalām* at the same time that he integrates so much of its heritage into his own intellectual synthesis.

The student of Mullā Ṣadrā, 'Abd al-Razzāq Lāhījī,(2) lived at a time when the attacks against both the *ḥukamā'* and the *'urafā'* had increased greatly. He therefore covered his more esoteric teachings under the veil of *Kalām*, but a *Kalām* that was impregnated with *Ḥikmat* and *'Irfān*, while he expressed his more purely metaphysical teachings in poems and other writings that have not become as well-known as his famous

(1) *Kasr aṣnām al-jāhiliyyah*, ed. by M. T. Danechepazhuh, Tehran, 1340 (A. H. solar), pp. 91-92.

(2) Concerning Lāhījī see Nasr, "The School of Ispahan" in *A History of Muslim Philosophy*, vol. II, p. 926.

Gawhar-murād.(1) Nevertheless in the *Gawhar-murād* Lāhījī shows a profound knowledge of the relation between *Ḥikmat* and *Kalām* in both principle and history and expresses his views in a passage which, coming from one of the foremost intellectual figures in the history of *al-Ḥikmat al-ilāhiyyah* in Persia, is a most revealing testimony concerning the relation involved.

He writes, "Know that the types of differences existing among the *'ulamā'* in matters pertaining to the divine sciences *(ma'ārif-i ilāhī)* are limited to the differences between the schools of *Ḥikmat* and *Kalām*...

"The difference between *Kalām* and *Ḥikmat* lies in the following facts : It must first of all be known that the intellect *('aql)* possesses complete independence in the acquiring of the divine sciences and other intellectual matters, and in these matters it does not depend upon the *Sharī'ah.* Once this is realized it can be concluded that the way of the *ḥukamā'* is the acquiring of true science and the proving of the definite principles that govern over the essences of things in a way that is in accordance with the nature of reality. And this way is based upon reasoning and purely intellectual demonstration leading to self-evident premisses that no intellect can refuse or resist to accept and in which the agreement or disagreement of any particular circumstances or peoples or religious communities does not have any effect. The knowledge acquired in this way is called in the terminology of learned men 'the science of *Ḥikmat*'. Of necessity this science is in conformity with authentic revealed laws, for the truth of the *Sharī'ah* is ascertainable in its reality through intellectual demonstration, but this agreement does not enter into the proof of the problems of *Ḥikmat*, which do not depend upon the *Sharī'ah* for their proof...

(1) In his forthcoming *Muntakhabāt-i falsafah,* which he is preparing with H. Corbin, J. Āshtiyānī has published selections from hitherto neglected works of Lāhījī which depict him more as a pure *ḥakīm* in the line of Mullā Ṣadrā than the *Gawhar-murād* and the *Shawāriq,* in which *Ḥikmat* and *Kalām* are combined, would reveal.

"As for the term *Kalām* it has two meanings: the *Kalām* of the ancients and the *Kalām* of the moderns. The *Kalām* of the ancients is an art which enables man to defend the statutes of the *Sharī'ah* through demonstration composed of well-known premisses that are established with certainty among the followers of religion whether they lead to self-evident premisses or not. This art has nothing in common with *Ḥikmat*, either in subject-matter, in reasoning or in its usefulness. The subject of *Ḥikmat* is the real nature of things not circumstances. Its reasoning is composed of truths that are established with certainty resulting from self-evident premisses, whether these are uncontested and well-known or not. Its usefulness is in the acquiring of knowledge and the perfection of the theoretical faculty of the mind and not in the preservation of statutes. Thus it is clear that this art [*Kalām*] can not be one of the means of acquiring knowledge *(ma'rifat)*.

"The ancients among the Muslims needed this art for two reasons: one was to protect the doctrines of the *Sharī'ah* from the people of opposition [to it] among followers of other denominations and religions. This need concerned the general public among Muslims. The other was to prove the particular aims of each school and sect of Islam and to protect the condition of each school from the attacks of the other Islamic schools. Naturally the relationship [created by the type of defense given] to each school is different.

"What we have said concerns the origin of *Kalām* among Muslims. But gradually the borders of *Kalām* were extended. People were no longer satisfied with guarding the situation but began to document and explain the arguments for the principles and foundations of religion, basing their arguments upon well-known and evident premisses. They left the straight path of the most perfect among the Companions *(ṣaḥābah)* and their followers *(tābi'īn)*, which consisted of contemplation and meditation as well as reference to the scholars *('ulamā')* among the Companions and leaders *(imāms)* among their followers. They considered their own way as the way to acquire knowledge and even considered it as the only possible way...

"This then is the *Kalām* of the 'moderns', which is the counterpart of *Ḥikmat*. It shares the same subject and aim with *Ḥikmat* but differs from it in the primary arguments and reasoning. It has been said concerning the definition of the *Kalām* of the 'moderns' that it is a knowledge of the state of creatures according to the mode of the injunctions of the *Sharī'ah*. By adding this last condition the definition of *Ḥikmat* has been avoided, for agreement with the injunctions of the *Sharī'ah* means basing one's arguments upon premisses that are well-known and evident among the followers of the *Sharī'ah*. And this is not acceptable in the definition of *Ḥikmat*, for it is not necessary for premisses that are well-known and evident to be among truths that are known with certainty. Therefore if by chance the premisses are truths possessing certainty they [the followers of *Ḥikmat*] use them as such, and if not, they do not consider premisses based upon opinion as valid in scientific matters *(masā'il-i 'ilmiyyah)*.

"A group of the ignorant, who have appeared in the guise of learned men, have been in error concerning this condition *(qayd)* [about the definition of *Kalām* and its difference with *Ḥikmat*] or have on purpose made simple souls fall into the error of thinking that in the concept of *Ḥikmat* opposition to the injunctions of the *Sharī'ah* is considered valid. For this reason the condemnation of *Ḥikmat* and its followers has become prevalent among Muslims. Whereas, from what we have said it has become clear that the acquiring of knowledge *(ma'rifat)* in a way that is not dependent upon simple imitation *(taqlīd)* is limited to the way of demonstration *(burhān)* and the basing of arguments upon premisses that are certain, whether this knowledge be called *Ḥikmat* or *Kalām*.

"It is not right to condemn *Ḥikmat* because some of the *ḥakīms* have committed errors in certain problems. Rather, that group is condemnable that extends its prejudice concerning particular well-known personalities to *Ḥikmat* itself, considering their [the *ḥakīms*'] imitation as necessary and believing every single word they have uttered to be the truth. He who is satisfied with mere imitation, why should he not imitate the prophets and *imāms*?—which act would of course bring him salvation, especially if he is not among those possessing capabi-

lity [for intellectual penetration] and is not able to conceive of real perfection.(1) It is certain that simply to imitate philosophers and to consider perfection to reside solely in transmitting their words and guidance to reside solely in following them is pure error and the very essence of wretchedness. Rather, the sure way of acquiring knowledge *(ma'ārif)* is pure demonstration and the simple acquiring of certainty. Therefore it is neither necessary to be a *mutakallim* nor a philosopher. Rather, one must be a believer *(mu'min)* who has faith in Divine Unity *(muwaḥḥid)* and one must have confidence in correct action, begging assistance in one's action from the true *Sharī'ah*. And if a person is not capable of achieving true perfection he must never cease to imitate the truly perfect men."(2)

In this comparison between *Ḥikmat* and *Kalām*, which is at once principial and historical, Lāhījī expresses the view of those later *ḥakīms* who were also *mutakallims* and above all gnostics and Sufis. He therefore alludes to a knowledge transcending both *Ḥikmat* and *Kalām* — that of the *muwaḥḥid* — while insisting on the superiority of *Ḥikmat* over *Kalām* on their own proper plane. Lāhījī was to be followed by many men like Qāḍī Sa'īd Qummī, Mullā 'Alī Nūrī and Ḥājjī Mullā Hādī Sabziwārī who like him were well-versed in both *Ḥikmat* and *Kalām*, men who while placing a different emphasis upon each discipline all subordinated *Kalām* to the purer knowledge of things divine contained in this theosophy or *Ḥikmat* which has come to play such an important role in the intellectual and religious life of the eastern lands of Islam and especially Persia during the past seven centuries.

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(1) What Lāhījī refers to is the Islamic injunction that it is the duty of the believer to penetrate intellectually into the articles and principles of faith. But if he does not have the intellectual acumen necessary for this task it is sufficient for him to imitate *(taqlīd)* the founder of the religion and in the case of Shi'ism the Imams as well in order to gain salvation. But for the person who does possess the capability it is essential that he seek to understand the intellectual basis of religious injunctions and doctrines.

(2) Lāhījī, *Gawhar-murād*, Tehran, 1377 (A. H. lunar), pp. 15-21.

THE GREAT YĀSA OF CHINGIZ KHĀN

A REEXAMINATION

(B)

The Attitude of the Mongols, and particularly of the Mongol Royal Family, to the Yāsa. (1)

I. *Al-Juwaynī's Evidence on the Observance and Violation of the Yāsa.*

The question of the observance of the *yāsa* or its violation is inseparable from the question of the antagonism between the desire to preserve the integrity of the Mongol Empire through the unity of the Mongol Royal family on the one hand, and the immense forces working against that desire on the other. Since the disintegration of the Empire was inevitable, and since the most important manifestation of that disintegration was the creation of separate, and often rival, Mongol states by the competing members of the Royal family, it was quite natural that the problem of adherence to the *yāsa* would figure most prominently and would serve as a major argument and weapon in the disputes between the rival Mongol rulers. The repeated claim of a Mongol ruler and of his supporters was

(1) This summary of Section B of the original version of the present study is much more condensed than the summary of Section A. As a result, a great number of references to the *yāsa* in al-Juwaynī's chronicle and in other Muslim sources had to be omitted. Only certain passages dealing with Berke Khān's, and, to a lesser extent, Tarmashīrīn's attitude to the *yāsa* are discussed in detail because of their special significance.

that he himself had been the strict observer of the *yāsa*, whereas his opponents had been its unscrupulous violators. On the occasion of the election of a new Great Khān, observance of the *yāsa* had often been a central issue, especially in connection with the question of who would be the rightful heir.

This attitude to the *yāsa* is clearly reflected in the contemporary historical works dealing with the Mongols. Since the authors of those works were usually the supporters of this or that Mongol sovereign, they generally described that particular sovereign as the staunch defender of the *yāsa*, in glaring contrast with his adversary.

It is only against the background of that fundamental truth that the data on the Mongol attitude to the *yāsa*, which is found in al-Juwaynī's chronicle, as well as in other Muslim sources, can be properly evaluated and studied.

We shall discuss first the quite rich data on our subject furnished by al-Juwaynī. This, however, should be done together with a more detailed examination than has hitherto been done in this study of al-Juwaynī's all out partisanship of the House of Tuluy (1) (as is well known, Chingiz Khān's sons from his wife Borte were Jūshī, Chaghatay, Ügüdey, and Tuluy, in that order).

Tuluy himself is not mentioned very often by al-Juwaynī, but almost anything he says about him is of great moment. His attempt to prove Tuluy's special right and unique claim to the throne of the Great Khānate starts in his account of Ügüdey's nomination and election as the immediate successor of Chingiz Khān (1229).

When Chingiz Khān, on his death bed, informed his sons of his choice of Ügüdey as his successor, "the aforesaid sons knelt down and declared that they bow their heads to his command and counsel... They accepted (the choice) obediently and said

(1) Al-Juwaynī's partisanship to the Tuluyids is far more accentuated in his account of the Mongols' attitude to the *yāsa* than in his account of the *yāsa*'s contents. This remark, however, is not intended to detract in any way from the immense importance of that chronicle and from its reliability on subjects that did not involve its author's loyalty to the Mongols in general and to the Tuluyids in particular.

submissively 'who hath the power to oppose the word of Chingiz Khān and who the ability to reject it'". Chingiz Khān, however, was not content with that declaration of acceptance, but ordered his sons to confirm it in writing. "All Ögetei's brothers obeyed his commandment and made a statement in writing." (1)

In the *qurilṭay* which assembled in 1229 to elect Ügüdey as his father's successor, the candidate is said by our author to have made the following statement: "Although Chingiz Khān's command was to this effect, yet there are my elder brothers and uncles, who are more worthy than I to accomplish this task, and moreover, in accordance with the Mongol custom *(āḏīn)*, it is the youngest son from the eldest house that is the heir of his father, and Ulugh-Noyan (=Tuluy) (2) is the youngest son of the eldest *ordu* and was ever in attendance on Chingiz Khān day and night, morning and evening, and has seen and heard and learnt all his *yāsas* and customs *(rusūm)*. Seeing that all these are alive and present, how can I succeed to the Khanate?" (3)

Al-Juwaynī opens his chapter on Tuluy and his wife Sorqotani Beki (4) with these words: "By the *yāsa* and custom *(āyīn)* of the Mongols the father's place passes to the youngest son by his chief wife. Such was Ulugh-Noyan, but it was Chingiz-Khan's *yāsa* that Ögetei should be Khan and in obedience to his father's command Ulugh-Noyan went to great pains in order to set Qa'an [=Ügüdey] (5) upon the throne of the Khānate and was most assiduous in his exertions to establish him firmly upon the seat of kingship." (6)

According to al-Juwaynī's presentation the rightful heir to his father's throne was Tuluy. Only by Chingiz-Khān's intervention and specific order, which his sons could not oppose,

(1) Juwaynī, I, pp. 181-183 (Qazwīnī's Persian edition, I, pp. 143-144).

(2) Ulugh-Noyan was the title conferred on Tuluy. See Boyle in Juwaynī, I, p. 150, note 1.

(3) Juwaynī, I, p. 186 (Qazwīnī's edition, I, p. 146, ll. 19-20).

(4) On this extremely important chapter see also below.

(5) For this identification see Boyle (Juwaynī, I, p. 29 and note 9).

(6) Juwaynī, II, p. 549 (Qazwīnī's edition, III, p. 3, ll. 1-5).

was that right taken from him and bestowed upon Ügüdey. Yet Tuluy bowed gracefully to his fate, and supported Ügüdey and cooperated with him unwaveringly. In order to emphasize Tuluy's right our author does not even hesitate to imply a severe accusation against the otherwise faultless Chingiz Khān himself. (1) His claim that Tuluy had been wrongly deprived of his heritage greatly facilitated his task of justifying the policy of the Tuluyids which aimed at putting one of their own on the throne of the Great Khānate. The logical conclusion to be drawn from such a claim is that the achievement of that aim would have been only a rectification of that wrong.

In all probability our author vastly exaggerated and over-emphasized the right of the youngest son to succeed his father amongst the Mongols in general, and within the Royal family in particular, Regretfully, I did not have the opportunity to check the whole data about this kind of right. (2) A partial check shows, however, that there is no less weighty evidence for the priority of the senior over the junior (including brothers and relatives). At this stage I should like to confine myself to the two following arguments: *a)* Our author states that Ügüdey mentioned, on the eve of his election, first of all his "elder brothers and uncles" as "more worthy" than himself to the post of Great Khān, and only *afterward* spoke about the right of his youngest brother. It is only in the chapter dedicated to Tuluy that the same author mentions that right alone without reference to the existence of any other right. This shows that even according to al-Juwaynī's presentation there *were* rightful heirs to the throne other than Tuluy, amongst whom were his own elder brothers and other elder members of his family; *b)* After the death of Ügüdey the principle of the succession of the youngest son to his father's throne was conspicuous by its absence. Ügüdey was succeeded by Güyük, his elder son; Güyük was succeeded by Möngkä, Tuluy's elder son; Bātū, the founder of the Golden Horde, was Jūshī's second

(1) This is, incidentally, the only case I know throughout the chronicle of al-Juwaynī where he criticizes the founder of the Mongol dynasty in any way.

(2) I refrain, therefore, in this summary, from quoting source references.

son (out of four). He was succeeded by his elder son, Sartaq. Hūlākū, the founder of the Īlkhānid dynasty of Persia, was succeeded by his elder son Abaqa. These examples can be easily multiplied. It is significant not only that the principle mentioned above had been completely disregarded, but also that no complaint had been voiced against its neglect.

It is, therefore, quite certain that al-Juwaynī strongly inflated the importance of the principle in question in order to strengthen the claim of the Tuluyids to the throne. (1)

The way al-Juwaynī speaks of Tuluy's wife, Sorqotani (or Sorqoqtani) Beki, and of their sons, is no less instructive. As far as his evidence on the Mongol attitude to the *yāsa* is concerned, it is even more revealing.

Sorqotani Beki is mentioned in connection with the struggle over the succession to the throne of the Great Khānate much more frequently than Tuluy, for the simple reason that she had outlived him by many years. He died in 630/1232-1233, (2) at the beginning of Ügüdey's reign, whereas she died in Dhū l-Ḥijja 649/February-March 1252, (3) shortly after the election of her son, Möngkä. Throughout the long period of her widowhood she played, according to our author, an increasingly decisive role in Mongol internal politics. His account of her policy, exploits and character has to be studied in the light of his description of the regency of Turakina Khātūn (1242-1246), Ügüdey's widow and Güyük Khān's mother, and of that woman's character.

(1) Al-Juwaynī's glorification and adulation of Tuluy could not be expressed more strongly than in the way he describes him as a conqueror. In a chapter entitled "A Brief Account of Toli's Conquest of Khorasan," he states: "*Now from the time when Adam descended until this present day no king has ever made such conquests nor has the like been recorded in any book*" (the italics are mine—D.A.) (Juwaynī, I, p. 152). This statement implies that he had been a greater conqueror even than Chingiz Khān himself. Throughout his chronicle al-Juwaynī speaks only once about Chingiz Khān's own conquests in terms comparable with the ones he uses in connection with those of Tuluy (*ibid.*, I, p. 24). No wonder that one of al-Juwaynī's Persian readers could not resist commenting on the margin of that statement: "would that thou too hadst not recorded it!" (*ibid.*, p. 152, note 15). On Tuluy's bravery see "*The Secret History*" (Haenisch's translation), index (Tolui).

(2) Lech, *op. cit.*, p. 214, note 87.

(3) Juwaynī, I, p. 553.

The reason given by "Chaghatai and the other princes" for making Turakina Khātūn the regent after her husband's death was that she had been "the mother of the princes who had a right to the Khānate; therefore, until a *qurilṭai* was held, it was she that should direct the affairs of the state, and the old ministers should remain in the service of the Court, so that the old and the new *yāsas* might not be changed from what was the law *(qānūn)*". (1) Turakina, however, according to our author, acted contrary to those expectations. She got rid of the old ministers and of others whom she disliked, (2) and created such a situation, that none but "Sorqotani Beki and her sons" observed the *yāsa* strictly. (3) Even the return of her son Güyük from his long absence in the campaign against the Qipchaq did not bring about any change for the better, for the "state business was still entrusted to the counsel of his mother, Töregene Khatun, and the binding and loosening of the affairs was in her hands, and Güyük did not intervene to enforce *yāsa* and custom *('ādat)* nor did he dispute with her about these matters." (4) Neither did Güyük's election to the office of the Great Khānate loosen his mother's grip on him and on the conduct of the affairs of the state. Only her death a few months later freed him from her negative influence, and allowed him to shape a policy of his own, (5) including the upholding of the *yāsa*. (6)

That is how our author depicts Turakina Khātūn. His picture of Sorqotani Beki is totally different. A few major passages from his chronicle dealing with that lady are reproduced here.

A. The weakening of the authority of the central government

(1) *Ibid.*, I, p. 240 (Qazwīnī's edition, I, p. 195, ll. 5-8).

(2) *Ibid.*, I, pp. 240-244.

(3) *Ibid.*, pp. 243-244. The exact wording of our author is given below.

(4) *Ibid.*, I, p. 248.

(5) *Ibid.*, I, p. 244. Al-Juwaynī dwells with considerable detail on the evil influence that a woman named Fāṭima, who pretended to be a descendant of 'Alī b. Abī Ṭālib, had on Turakina. She was executed by Güyük after his mother's death (*ibid.*, I, pp. 243, 244, 244-7).

(6) *Ibid.*, I, p. 256. For the wording of the particular passage on this page and for other data on Güyük's attitude to the *yāsa*, see below.

and the consequent deterioration of the adherence to the *yāsa* are thus described by him: "And everyone sent ambassadors in every direction and broadcast drafts and assignments; and upon every side they attached themselves to parties (1) and followed their instructions—*all save Sorqotani Beki and her sons, who did not swerve one hair's breadth from the* yāsa *and law of their ordinances*". (2)

B. In his account of Güyük's election as Great Khān he says: "Sorqotani Beki and her sons arrived first [to the place of election] with such gear and equipage as "*eye has not seen nor ear heard.*" (3) Then he adds that "Töregene Khātūn favoured Güyük, and Beki and her sons were at one with her in this" (4) and that "Sorqotani Beki... had the greatest authority in that *quriltai.*" (5)

C. Speaking of Güyük's reaction to the state of affairs he found immediately after his accession to the throne, he says: "After Qa'an's death each of the princes had acted for himself, and each of the nobles had attached himself to one of them; they had written drafts on the kingdom and issued *paizas*; Güyük ordered these to be called in. And since what had been done was outside their *yāsa* and custom *(āḏīn)*, they were ashamed and hung their heads in confusion. And the *paizas* and *yarlighs*(6) of every one of them were called in and laid before the author with the words: 'Read what thou hast written' [*iqra' kitābaka*]. (7) *But Beki and her sons held their heads high, for no one could produce any document of theirs that was contrary to the* yāsa. In all his speeches Güyük used to hold them up as an example; *and because of their observance of the* yāsas he held others lightly, but them he praised and lauded". (8)

(1) For the decline of the authority of the central government, as described by al-Juwaynī, see below.

(2) Juwaynī, I, pp. 243-4 (Qazwīnī's edition, I, p. 199, especially ll. 8-9).

(3) *Ibid.*, I, p. 249.

(4) *Ibid.*, I, p. 251.

(5) *Ibid.*, I, p. 254.

(6) On the *paizas* and *yarlighs* see below.

(7) Qur'ān, VII, 15.

(8) Juwaynī, I, pp. 255-256 (Qazwīnī's edition, I, p. 211).

D. The chapter dedicated to Tuluy and his wife deals mainly with the wife. In summing up the life of Sorqotani Beki, al-Juwaynī says that after her husband's death Ügüdey "commanded that as long as he lived affairs of state should be administered in accordance with [her] counsel... [and that her] sons, the army and the people, great and small, should be under the control of her command and prohibitions, her loosening and binding, and should not turn their heads from her commandment." She used her authority with the greatest ability and "in any business which Qa'an [=Ügüdey] undertook, whether with regard to the weal of the Empire or the disposal of the army, he used first to consult and confer with her and would suffer no change or alteration *(taghyīr ve-tabdīl)* of whatever she recommended." Then he continues: "*Whenever there was a* quriltai *or assembly of the princes... she was distinguished above them all with respect both to her retinue and to her troops.*" A few lines later he states: "*As for her control and management of her sons, though each of them is a khān and a personality in the mould of his intellect, and superior to all* [*other*] *princes in shrewdness and sagacity, nevertheless, whenever by reason of the occurrence of a death they awaited the accession of a new khān, she would allow no change or alteration of the ancient ordinances* (aḥkām) *or* yāsas, *although, in fact, they had the licence of authority and of command and prohibition.* So it was that when Güyük Khan was raised to the Khānate and there was search and inquiry as to which of the princes had deviated from the *yāsa* and established custom *(qā'ida)* and had issued *paizas* and *yarlighs*, he commanded that every order and *paiza* that had been issued since the death of Qa'an [=Ügüdey] should be withdrawn. And in the *quriltai*, in the presence of all, most of the decrees *(firmānhā)* which they issued with regard to the assignment of taxes and dismissal of tax-gatherers were laid before the princes [responsible for them]. *All were put to shame save only Beki and her sons, who had not swerved a hair's breadth from the law*, and this because of her wisdom, self-discipline and consideration of the latter end of things, whereof even wise and experienced *men* are negligent... And at the time of the accession of Mengü Qa'an to the throne of the Khānate

the same thing happened again, *because after Güyük Khan's death everyone had issued his own decree*". (1)

The only *whole* branch of Chingiz Khān's descendants, which al-Juwaynī praises throughout his book without any limitation and any reservation, is that of Tuluy. (2) He could not find the slightest flaw in any of the Tuluyids. He depicts them as the embodiment of perfection, statesmanship, and leadership, and, above all, as the sole unwavering and unswerving observers of the *yāsa*. In spite of the fact that they had been robbed of their rightful heritage; in spite of the decisive and uninterrupted power which they possessed, and in spite of their personal superiority over all the others, they had always been, according to him, the most positive, constructive, and statesmanlike element in the whole Royal family. This was mainly due to the wisdom and farsightedness of Sorqotani Beki, who enjoyed unlimited power. One can justly ask what authority had been left to Ügüdey after he had commanded that she would be the arbiter of the "affairs of state" and that the "army and the people" should obey her commands (passage D).

Of no mean significance is the fact that whenever al-Juwaynī speaks about the perfect qualities and praiseworthy deeds of "Sorqotani and her sons" (3) he never mentions the sons by name. As far as perfection goes, they appear to have been indistinguishable one from another. It was this solid and tightly knit core of "mother and sons," which raised the standard of the *yāsa* highly, inside and outside the Tuluyid branch! When our author speaks of these sons individually he naturally gives the main tribute to Möngkä, the elder son, who was the Great Khān at the time he wrote his chronicle. (4) Qubilāy Khān, the second son, with whom he had been much less connected, is mentioned by him quite rarely, yet he praises

(1) *Ibid.*, II, pp. 550-552.

(2) Some of the most important members of other branches whom he praised highly, were those who cooperated with the Tuluyids (like Bātū) or those with whom the Tuluyids had to cooperate as long as they were not sufficiently strong (like Ügüdey and Güyük).

(3) Juwaynī, I, pp. 244, 251, 255-6, 550, 552.

(4) See, e.g., *ibid.*, I, pp. 4-5, 239 and index (Mengü Qa'an).

his "wisdom and sagacity, his intelligence and shrewdness." (1) Arikbughā, the third son, is mentioned only by name. (2) Of particular importance is his account of Hūlākū, the fourth and youngest son, because he was his immediate master, whom he accompanied during his conquest of Iran and Iraq; and because, in the case of Hūlākū, we can compare his evidence with that of sources antagonistic to the Tuluyids.

Amongst other praises al-Juwaynī bestows upon Hūlākū the titles of "World-Prince" and "World-King." (3) His description of Hūlākū's Iranian campaign is that of a court historian, and it is crowned by a most detailed account of the subjugation and extermination of the Assassins, an event of which he makes full use in order to glorify his master. His bias in favour of the Mongols in general and in favour of his master in particular, finds its expression not only in what he says, but also, and to a no less degree, in what he decides not to speak about. For in glaring contrast to his eagerness to tell his readers about the campaign against the Assassins, he shows no inclination whatsoever to say a single word about the capture of Bagdad, the abolition of the Caliphate, and the physical extermination of the Caliph and most members of his family by the same Hūlākū. This in spite of the fact that he accompanied that monarch in the campaign against Bagdad as well, (4) and in spite of the fact that he had still been writing his history in 1260, i.e., about two years after the capture of the 'Abbāsid capital. (5) Under the circumstances our author could not do otherwise. The uprooting of the Assassins furnished him with an excellent argument for his thesis that the Mongol conquest had been beneficial to Islam, and for the glorification of his master and benefactor Hūlākū. The case of Bagdad and the Caliphate was a wholly different story. Al-Juwaynī had already used, indeed, much

(1) *Ibid.*, II, p. 596.
(2) See *ibid.*, index (Arigh Bōke).
(3) See, e.g., *ibid.*, II, pp. 607-640, 681, 713-725.
(4) Rashīd al-Dīn, in *Histoire des Mongols* (ėd. Quatremère), pp. 264, 265. See also Boyle's, Introduction, p. xxii.
(5) See Boyle's, Introduction, p. xxii.

distorted logic and false argumentation in his attempt to justify Mongol infamies. But wiping out the Caliphate and the scions of 'Abbās constituted something unique in its horror. No sophistic acrobatics could whitewash the Mongols from that crime. Had he ventured to treat that subject, he would have undermined the foundations of one of his central theses and would have tarnished the image of the Mongols in general and of Hūlākū in particular. Rashīd al-Dīn, another pro-Īlkhānid historian, could afford to record the abolition of the Caliphate and its concomitants, because with the passing of the years that event had lost much of its intensity.

Although al-Juwaynī made an all out attempt to idealize the attitude of "Sorqotani and her sons", the not so idealistic character of that attitude emerges from time to time even from his own narrative. How Sorqotani bided her time and waited for the suitable opportunity, how carefully and systematically she worked in order to place her son on the throne, and how earthly were the means which she used in order to achieve that aim, can be learnt from the following passage: "As for Beki [Sorqotani], from the time when Ulugh-Noyan [=Tuluy] passed away, she had won favour on all sides by the bestowing of gifts and presents upon her family and kindred and dispensing largesse to troops and strangers and so rendered all subject to her will and planted love and affection in everyone's heart and soul, so that when the death of Güyük Khan occurred most men were agreed and of one mind as to the entrusting of the Khānate to her son Mengü Qa'an." (1)

That the Tuluyids had to wait so long not because they were so determined to observe the *yāsa*, but because they had no other choice, can be learnt from the reaction, within the Royal family, to Möngkä's candidacy. In spite of their long, thorough, and cautious preparations the Tuluyids encountered a most stubborn resistance accompanied by the biggest bloodshed hitherto experienced by Chingiz Khān's descendants in their

(1) Al-Juwaynī, II, p. 552. Al-Juwaynī's description of the methods used by the bad Turakina Khātūn in order to strengthen her position is similar to his description of the methods used by the good Sorqotani Beki (see *ibid.*, I, pp. 240-241).

internal struggles. Throughout his account of this struggle (1) al-Juwaynī does not have a single good word to spare for those members of the Ügüdey branch who resisted the Tuluyids, whom they considered, not unjustly, as usurpers. The same is true of his attitude to those descendants of Chaghatay who joined hands with Ügüdey's offspring in order to resist Möngkä's election.

Of special interest in this connection is our author's account of how the participants in the *qurilṭay* which assembled to elect Möngkä reacted to the news that Ügüdey's descendants and their supporters had been preparing an armed revolt. According to him they did not believe that news for the following reason: "Since none of them dreamt that the *yāsa* of the World-Emperor Chingiz-Khan could be changed or altered, and there had been no disagreement *(khilāf)* amongst them, nor was such a thing in accordance with the customs *(rasm ve-āyīn)* of the Mongols, it never crossed their minds nor was it painted in the picture-gallery of their imagination [that any such occurrence was possible]; and they therefore neglected to take any precautions." (2)

Thus, when our author wants to show that Möngkä's election has the sanction of Chingiz Khān's inviolable *yāsa* and at the same time to explain the negligence and inattention of Möngkä's supporters to the preparations of his rivals, he discards his usual line of argument, where he claims time and time again that, with the exception of the Tuluyids, there were few who did *not* violate the *yāsa*!

Al-Juwaynī is the historian of the victorious side in that struggle. Had the Ügüdey-Chaghatay faction defeated Möngkä and his supporters, and elected a Great Khān of its own, a very different story about the same struggle would have come down to us. The villains and the violators of the *yāsa* would certainly have been the Tuluyids, and the upright people and the strict adherents to it would have been their victorious rivals. One can also safely assume that Sorqotani Beki, the widow of

(1) See *ibid.*, I, pp. 262-266; II, pp. 562-563, 566, 574 ff.
(2) *Ibid.*, II, pp. 573-574. On p. 576 al-Juwaynī repeats the same idea.

Tuluy, would not have looked so perfect, and Turakina Khātūn, the widow of Ügüdey, would not have looked so wicked, had the outcome of the struggle been different from what it actually was.

Whereas al-Juwaynī's evidence about who amongst the Mongols were the villains and who the virtuous people is often quite doubtful, his evidence, both explicit and implicit, about the constant and steadily growing tendency to establish facts that undermined the power of the central authority and about the failure of all the attempts, at least in the long run, to put an end to, or even to curb, that tendency, is undoubtedly true. Nothing could stop that process even under the best possible circumstances, and they were by no means good. The long periods that intervened, in the first decades after Chingiz Khān's reign, between the death of one great Khān and the election of his successor, both reflected the existence of the forces of disintegration and antagonism, and contributed to their strengthening. Two years elapsed between the death of Chingiz Khān (1227) and the election of Ügüdey (1229). The comparatively long reign of Ügüdey (1229-1241) might have served, to a certain degree, as a check on the disruptive processes in the Mongol Empire and in Mongol society, but Ügüdey was an easygoing and pleasure-loving person, and firmness and determination were certainly not amongst his main qualities. Furthermore, the formidable element of time (i.e., the mere passage of the years) would have weakened the edifice built by Chingiz Khān even under a much stronger ruler than Ügüdey. It can, therefore, be safely assumed that that edifice was not as solid at the end of Ügüdey's reign as it had been at its beginning. The ten years intervening between Ügüdey's death (1241) and the election of Möngkä (1251) were of great moment in undermining Mongol unity. The fact that for five years (1242-1246) the Mongols could not elect a Khān and had to substitute for him a regent (irrespective of whether or not Turakina Khātūn had been as bad as our author depicts her) is decisive proof of the growing dissent and disagreement within the Royal family. The short reign of a weak ruler like Güyük (1246-1248) could have only a small effect on these negative developments.

The most common expression in al-Juwaynī's chronicle of ignoring the central government was the issuing by members of the Royal family and other persons in key positions of unauthorized decrees (particularly in the form of *yarlighs* and *paizas*) (1) to all kinds of favourites. This practice was considered to be contrary to the *yāsa*, and to Mongol custom (*āḏīn* (2), *aḥkām ve-yāsāhā*) (3). Every new Great Khān attempted to abolish that practice, and at the same time to enforce Chingiz Khān's commands and behests in general and the *yāsa*'s regulations in particular, all of which had been widely disregarded. The success of these attempts was always ephemeral.

Ügüdey started his rule thus: "First of all he made a *yāsa* that such ordinances and commands *(aḥkām ve-firmān)* as had previously been issued by Chingiz-Khān should be maintained and secured, and protected against the evils of change, and alteration, and confusion *(ikhtilāl)*". The reason for that decree was that "*from all sides*... talebearers and informers" reported to him "about the doings of each of the emirs and governors" who disregarded those ordinances and commands. He decided to pardon all these transgressors, but at the same time affirmed that "if from henceforth any man shall set foot to an action that contravenes the old and new ordinances *(aḥkām)* and *yāsas*, the prosecution and punishment of that man shall be proportionate to his crime." (4)

Thus, only two years after Chingiz Khān's death his behests and the "old and new ordinances and *yāsas*" had been ignored on such a scale, that his successor had to give amnesty to all the numerous transgressors and turn a new leaf.

Turakina Khātūn was made regent, as already stated, in order to prevent the change of "the old and new *yāsas*." What

(1) On the character of these decrees see: Boyle's introduction (p. xvii) and the index to his translation of al-Juwaynī's chronicle. See also: Riasanovsky, *op. cit.*, pp. 43-44; Lech, *op. cit.*, index; Spuler, *Die Goldene Horde* (1965); *Die Mongolen in Iran* (1968), indices *(yarlyg, paiza)*.

(2) Juwaynī, I, p. 255 (Qazwīnī's edition, I, p. 211, l. 4).

(3) *Ibid.*, II, pp. 508-509 (Qazwīnī's edition, II, p. 245, l. 11).

(4) *Ibid.*, I, pp. 189-190 (Qazwīnī's edition, I, p. 149, ll. 15-23).

she did, however, according to our author, was precisely the contrary. In addition, "drafts and assignments" were made by everybody and parties were created everywhere. (1)

When Güyük ascended the throne "he made a *yāsa* that just as Qa'an [=Ügüdey], at the time of his accession, had upheld the *yāsa*s of his father and had not admitted any change or alteration *(taghyīr ve-tabdīl)* of his statutes, so too the *yāsa*s and the statutes of his own father should be immune from the contingencies of redundance and deficiency *(ziyādat ve-nuqṣān)* and secure from the corruption of change *(fasād taḥwīl)*." (2) Güyük is repeatedly stated to have abolished the *paizas* and *yarlighs* issued before his reign. (3)

It is doubtful whether Möngkä (1251-1259) would have been elected a Great Khān without the unflinching support of Jūshī's son, Bātū, the ruler of the Golden Horde. One of the major reasons he gave for his support was that Möngkä "has known and experienced the *yāsa* of Chingiz-Khān and the customs of Qa'an [=Ügüdey]." (4) He is also stated to have abolished on several occasions the *paizas* and *yarlighs* issued before his accession to the throne. On one of these occasions our author speaks about the uninterrupted deterioration since the death of Ügüdey: (5) on two others—since the death of Güyük ("after Güyük Khan's death everyone has issued his own decrees") (6). The following passage is significant. "The Emperor [=Möngkä] now gave order that any *yarlighs* and *paizas* from the time of Chingiz-Khān, Qa'an [=Ügüdey], Güyük Khān and the other princes... should be returned." (7) This proves: *a)* that the measures taken by the Great Khāns at the beginning of their reigns against the "decrees" and all that they imply had only ephemeral effects; *b)* that the roots of certain evils and wrongdoings go back as far as the reign of Chingiz Khān himself.

(1) *Ibid.*, I, pp. 243-244. See also above.
(2) Juwaynī, I, p. 256 (Qazwīnī's edition, I, p. 211).
(3) *Ibid.*, II, pp. 255, 508-509, 551.
(4) *Ibid.*, II, p. 559 (Qazwīnī's edition, III, p. 19, ll. 1-2).
(5) *Ibid.*, II, pp. 556-7.
(6) *Ibid.*, II, pp. 552, 598-9. See also pp. 603-4.
(7) *Ibid.*, II, p. 598.

Al-Juwaynī does not continue his chronicle beyond the reign of Möngkä, the first Tuluyid Great Khān, on whom he showers unbounded praise. It is only a matter of conjecture whether he would have found fault with his rule after his death, as he did in the case of the Great Khāns from the branch of Ügüdey. In reality Möngkä by no means put an end to, neither did he arrest, the processes undermining the unity of the Royal family and breaking down the edifice built by the founder of the Empire. The transfer of the seat of the Great Khānate by Qubilāy, Möngkä's brother, from Mongolia to China could only accelerate these processes. The antagonisms and splits now penetrated to the very branches to which Chingiz Khān's descendants belonged. Qubilāy had to liquidate his brother Arikbughā in order to safeguard his throne. Additional splits occurred sooner or later within other branches of the ruling family. The most important rivalry, however, was the one between the Jūshīds of the Golden Horde and the Tuluyids of Iran, which started during Möngkä's reign and developed into a long standing enmity, the major beneficiaries of which were the Mamluks of Egypt and Syria. Bātū had every reason to regret his support of Möngkä, for one of the major results of Möngkä's election was that a very powerful Tuluyid dynasty had been established on the southeastern border of the Golden Horde.

The importance of the enmity between the Jūshīds and the Tuluyids of Iran from the point of view of the study of the *yāsa* is that it gives us the opportunity to learn the *enemy's* view about the Tuluyids' attitude to that law. One of the major accusations which Berke Khān, the ruler of the Golden Horde, levelled against Hūlākū, the founder of the Īlkhānid dynasty of Iran, was that he violated the *yāsa* (see below). This was the same Hūlākū, who, together with his brothers and mother, was, according to al-Juwaynī, the adherent *par excellence* to that law. It can be assumed, with a great degree of certainty, that had Berke clashed with any other of Hūlākū's brothers, or even with Sorqotani Beki herself, he would have accused them as well of the same crime.

II. *The Evidence of Sources other than al-Juwaynī on the Observance and Violation of the Yāsa.*

That al-Juwaynī presented only the version of the House of Tuluy about who observed the *yāsa* and who contradicted and violated it, can be learnt from the examination of other sources, which were independent of or antagonistic to that House. A most important and revealing piece of evidence to this effect is the following one.

Muḥī al-Dīn b. 'Abd al-Ẓāhir, Sultan Baybars' contemporary, secretary, and biographer, and our major extant source on the early decades of Mamluk rule, describes the arrival in Egypt in 661/1263 of two delegates of Berke Khān b. Jūshī, the ruler of the Golden Horde. Each of these delegates brought a letter from that Mongol ruler to Sultan Baybars I, asking his help against Hūlākū Khān, on whom he had been waging war in the name of Islam. (1) The contents *(maḍmūn)* of these two letters are given by Ibn 'Abd al-Ẓāhir. I cite here a passage from these letters which, in my view, is crucial for my thesis. The citation is from the B.M. MS of Baybars' biography, as reproduced by W. de Tiesenhausen. It says:

ومضمونهما [اى مضمون هذين الكتابين] السلام والشكر وطلب الانجاد على هلاون والاعلام بما هو عليه من مخالفة سنكر خان وشريعة اهله وان كل فعله من تلاف النفوس بطريق العدوان منه واننى قد قمت انا واخوتى الاربعة بحربه من سائر الجهات لاقامة منار الاسلام واعادة مواطن الهدى الى مكاتب عليه من العمارة وذكر الله والاذان والقرأة والصلاة واخذ ثار الائمة والامة ويلتمس انفاذ جماعة من العسكر الى جهة الفرات لامساك الطريق على هلاون.(2)

(1) Sultan Baybars learnt about Berke's adoption of Islam in the previous year. He sent him messengers carrying letters in which he urged him to attack the infidel Hūlākū Khān. The messengers of the two monarchs met in Constantinople.

(2) W. Tiesenhausen, *Recueil de Matériaux Relatifs à l'Histoire de la Horde d'Or*, I, p. 49, l. 23—50, l. 6.

The text, as it stands, has been seriously mutilated by the copyist, and it is a great tribute to Tiesenhausen that he put it right through comparison with the works of later historians, particularly al-Nuwayrī and Ibn al-Furāt, who copied from Ibn 'Abd al-Ẓāhir. The degree of the text's mutilation and the copyist's ignorance can be judged from the fact that مكا تب عليه is a distortion of ماكا نت عليه. This distortion, however, had only a small effect on that passage as a whole. What made the entire passage senseless was the fact that مخالفة يسق جنكز خان (شنكز) had been mutilated into مخالفة سنكر خان as can be established by comparison with the text of al-Nuwayrī, who quotes Ibn 'Abd al-Ẓāhir as his source on this piece of information. (1)

(1) Tiesenhausen (*ibid.*, I, p. 50, note 2) gives al-Nuwayrī's reading as سبق جنكز خان, which he rightly corrects into يسق جنكز خان. But the B.M. MS of al-Nuwayrī (Ar. 1578, fol. 21a) reads يسق جنكز خان. See also Quatremère, *Histoire des Mongols*, p. 34b in the notes. Al-Nuwayrī's text has also اتلاف (instead of Ibn 'Abd al-Ẓāhir's B.M. copy تلاف), which is, most probably, the correct reading. I would like to thank Miss J. Sublet, of the Institut de Recherche et d'Histoire des Textes, Paris, for sending me the quotation from al-Nuwayrī and for other help. Unfortunately, the Istanbul MS (Fātiḥ Ar. 4367) of Ibn 'Abd al-Ẓāhir's biography of Sultan Baybars I starts with the year 663/1264-65 (A. A. Khowaitir has prepared this text for publication). See also, Sauvaget-Cahen, *Introduction to the History of the Muslim East*, Los Angeles, 1965, p. 176). Ibn al-Furāt has سنكر خان instead of سنكر خان (Tiesenhausen, *op. cit.*, p. 50, note 2). The spelling شنكز خان for جنكز خان appears repeatedly in *Mufarrij al-Kurūb* of Ibn Wāṣil (see e.g., Tiesenhausen, *op. cit.*, p. 71, ll. 1, 2, 3, 6). This spelling of Chingiz Khān's name seems to have been in use only in the very early sources of the Mamluk period, and it is very probable that Ibn 'Abd al-Ẓāhir's spelling in this passage had also been شنكز خان. A person named سنكر خان is not existent. سنقر is written with *qāf*.

Although Tiesenhausen provided us with the correct reading (1) of the passage in question, he definitely misunderstood the whole purport of Berke's remark on the *yāsa*, for according to his translation (2) Berke Khān claimed that it was *he* (i.e. Berke) who stood up against the *Yāsa* and against the law of his own people by fighting Hūlākū for the sake of strengthening Islam.

There are most weighty arguments against this interpretation of Berke's statement in his letter to the Mamluk Sultan. One of them is grammatical. It is very unlikely that Berke would speak about Hūlākū in the third person, then shift abruptly to himself in the third person, then shift back, and again abruptly, to Hūlākū in the third person, and only then start speaking about himself in the first person. My contention is that he had been referring all the time to Hūlākū in the third person, and to himself only when he shifted to the first person. Another argument is that it is utterly inconceivable that Berke Khān would use, speaking of *himself*, the word *khālafa*, which means "contradict," "violate," "disobey." For one thing, this word generally has a negative connotation in this or similar contexts. For another, Berke was the ruler of a great Empire, who enjoyed full sovereignty, at least *de facto*. Had he decided to do away with the *yāsa* in his realm, the obvious words for him to use would have been that he "ordered" *(amara)* to annul or "annulled" or "abrogated" *(alghā, abṭala, qaḍā 'alā)* or "discarded," "abandoned" *(nabadha, taraka* (3), *hajara)* the *yāsa*. For a person in his position to use the term *khālafa* in connection with himself is, therefore, out of the question. Furthermore, the term *khālafa* or *khilāf* or *mukhālafat yāsa* (or *yāsaq*) appears frequently in the Muslim sources, and has

(1) S. F. Sadeque in *Baybars the First of Egypt* (OUP, Pakistan, 1956) tried to perform the impossible by translating into English the text quoted above in its mutilated form (cp. p. 81 of the Arabic text with p. 187 of the translation in that book).

(2) Tiesenhausen, *op. cit.*, p. 59.

(3) *taraka* is the term used by Ibn Ḥajar al-'Asqalānī in his account of the Chaghatayid's Tarmashīrīn Khān abandonment of the *yāsa* (*al-Durar al-Kāmina*, vol. I, pp. 516, l. 16-517, l. 1). This important evidence of al-'Asqalānī is discussed below.

always a very negative sense from the Mongol point of view. (1) Equally negative, according to Mongol lights, is bringing about "change", or "change and alteration" *(taghyīr, taghyīr wa-tabdīl)* in the *yāsa*. (2) Sometimes *taghyīr*, *tabdīl* and *khilāf* of the *yāsa* are mentioned simultaneously. (3) They are used in a sense quite close to that of *bid'a* in Islam. The opposite term of *khālafa* is *wāfaqa* (agree, conform with) the *yāsa*, (4)

(1) See, e.g., Juwaynī, I, pp. 206, 255; II, pp. 508-509 (Qazwīnī's edition, I, pp. 162, l. 22, 211, ll. 6-7; II, p. 245, l. 11); Rashīd al-Dīn (ed. Blochet), pp. 246, l. 10 and note, 273, l. 2, 278, ll. 5-7; Ibn Baṭṭūṭa, ed. Defrémery et Sanguinetti, III, p. 40, ll. 2-7. Some of the references from al-Juwaynī in this note, as well as in the two following ones, have already been quoted in full in preceding pages of this work, especially in its unabridged version.

(2) Juwaynī, I, pp. 182, 189-90, 256; II, p. 573 (Qazwīnī's edition, pp. 144, l. 5, 149, ll. 5-23, 211, ll. 9-10; III, p. 39, ll. 1-2).

(3) Juwaynī, II, p. 573 (Qazwīnī's edition, III, p. 39, ll. 1-2); Rashīd al-Dīn (ed. Blochet), p. 287, ll. 5-6. A very interesting instance of the "alteration" of the *yāsa* of Chingiz Khān, which is discussed in greater detail in the full version of the present study is mentioned by al-Jazarī. Incidentally, a later historian, Ibn al-Dawādārī, who copied from al-Jazarī, distorted him and wrote غيّر ما اسّسه جنكز خان instead of غيّر ياسة جنكز خان. This distortion has already been pointed out by Ulrich Haarmann in *Quellenstudien zur frühen Mamlukenzeit*, Freiburg, 1969, p. 212 (cp. also the Arabic texts there: p. 36, l. 2 with p. 37, l. 2). It is not quite sure, however, that this distortion is a result of pure misunderstanding on the part of Ibn al-Dawādārī. In the published part of his chronicle (*Kanz al-Durar wa-Jāmi' al-Ghurar*, ed. H. R. Roemer, vol. IX, p. 346, ll. 5-6) we find: على ما اسّسه جنكز خان من اليسق الذين لا يخرجون عنه. Here it is obvious that Ibn al-Dawādārī knew that the *yāsa* was concerned. Therefore the possibility cannot be ruled out that he changed ياسة into ما اسّسه on purpose, in order to mould it in the form of an Arab phrase, caring very little for his alteration of its whole meaning. For the distortion of the spelling of يسق see p. 168, note 1. For the synonymity of *khālafa* and *ghayyara* the *yasaq* of Chingiz Khān see Ibn Baṭṭūṭa, *op. cit.* vol. III (cp. p. 40, ll. 2-7, with pp. 40, l. 10-41, l. 2). Both terms have there a very negative sense from a Mongol point of view. See also below.

(4) See e.g. Juwaynī, I, pp. 190, 207 (Qazwīnī's edition, I, pp. 149, ll. 20-21, 164, l. 13); Rashīd al-Dīn (ed. Blochet), p. 63, ll. 15-16. See also Juwaynī (Qazwīnī's edition), I, p. 18, ll. 16-17; al-Qalqashandī, *Ṣubḥ al-A'shā*, IV, pp. 310, l. 20-311, l. 4; Ibn Faḍl Allāh al-'Umarī (in Tiesenhausen, I, p. 213, ll. 7-13); *Khiṭaṭ*, II, p. 221, l. 3.

which has only a very positive sense. Not only admitting the violation of the *yāsa*, but even criticizing the *yāsa* in any way, would have been considered as blasphemy amongst the Mongols, especially in the early years of their rule. At such an early period, and even much later, it would have been political folly, if not personal suicide, to declare war on the *yāsa* simultaneously with the adoption of Islam or of any other religion by any scion of Chingiz Khān. (1)

These arguments seem to me to be more than sufficient for proving that Berke Khān, in his letters to Sultan Baybars, had been accusing Hūlākū of violating the *yāsa*, and not attributing such an action to himself. There is, however, an additional piece of evidence pertaining to the relations of Berke and Hūlākū, which not only establishes the conclusiveness of these arguments, but also admirably complements Berke's statement on the *yāsa* in those letters.

The well-known historian 'Izz al-Dīn Ibn Shaddād (died 684/1285), the other biographer of Sultan Baybars I, describes in his biography of that Sultan *(Sīrat al-Malik al-Ẓāhir)*, in the account of the events of the year 661/1262-63, the war between Berke and Hūlākū, in which the latter had been utterly routed. (2) Speaking of the outcome of that war Ibn Shaddād remarks: "And when Berke saw the great number of the killed, he cried and said: 'It pains me to see the Mongols kill each other with their own swords, *but what (else) can be done about a person who has altered the yāsa of Chingiz Khān?*' " *(ya'izzu 'alayya an arā al-Mughul tuqtal bi-suyūf ba'ḍihim ba'ḍan lākin kayfa al-ḥīla fīman ghayyara yāsat Jinkīz Khān).* (3)

(1) Contradicting the *yāsa* in practice is one thing and publicly admitting its violation or abandonment is quite another.

(2) The first volume of Ibn Shaddād's biography of Sultan Baybars I is lost. His description of the battle between the two Mongol Khāns, which belongs to that volume, is quoted by Quṭb al-Dīn al-Yūnīnī (died 726/1326), in his *Dhayl Mir'āt al-Zamān*, Hyderabad, Deccan, 1954, vol. I, pp. 535, l. 9-536, l. 4.

(3) *Ibid.*, p. 535, ll. 16-17. The passage quoted in this and the above note is from the Āya Sofla MS of Yūnīnī's chronicle. The Oxford MS of the same chronicle has آسة instead of ياسة (see vol. II of the Hyderabad edition, 1955, p. 196, ll. 13-15). Ibn Kathīr brings also Berke Khān's statement in a rather

Berke Khān's accusation of Hūlākū of violating the *yāsa* is thus established with absolute certainty. Therefore, the passage from Berke Khān's letters quoted above (p. 167) should be translated as follows:

"Their [i.e., these two letters'] contents was [the expression of] greeting and praise and the demand [from Baybars] of [military] help against Hūlākū and the informing [of Baybars] about how he [i.e., Hūlākū] had been contradicting the *yāsa* and the sacred Law of his own people and [the assertion] that all he [i.e., Hūlākū] had been doing was the annihilation of human beings by way of his aggression. 'As for myself, I, together with my four brothers, stood up and fought him from all sides for the sake of reviving the light of Islam and returning the abodes of the True Religion to their old state of prosperity and to the mention of the Name of God, the call to prayer, the reading of the Qur'ān, prayer, and avenging the Imams and the Muslim community'. He [i.e., Berke] also asked to send an armed force in the direction of the Euphrates in order to block Hūlākū's passage."

The evidence of Berke's accusation of Hūlākū about his violation of the *yāsa* is given, independently, by the two foremost contemporary authorities on Baybars' time, when the relations between the Mamluk Sultanate and the Golden Horde constituted the most important factor in the Mamluk Sultanate's foreign policy. Furthermore, neither of these two authorities had any interest in presenting the new convert to Islam and the greatest ally of the Muslims in the Mongol camp as a defender of a pagan law against its Mongol violators. To this should be added that one of the two testimonies is that of the Khān of the Golden Horde himself, which is preserved by a historian

abbreviated form and writes غيّر سنّة instead of غيّر ياسة (*Al-Bidāya wal-Nihāya*, Cairo, vol. XIII, p. 239, l. 5; Tiesenhausen, I, p. 273, ll. 6-13). Tiesenhausen rightly corrects سنّة into ياسة in Ibn Kathīr's text (p. 273, note 5) and translates accordingly (p. 275). Yet he does not seem to have been aware of the contradiction between his translation of Berke Khān's statement to Sultan Baybars and of the same Khān's remark on seeing the numerous Mongol corpses on the field of battle.

who, in his official capacity, must have read Berke's letters either in their original or in their translation. (1) (Ibn 'Abd al-Ẓāhir was the secretary who had been entrusted by the Mamluk sultan with writing the answer to these letters). (2) Now this kind of evidence is extremely rare, if not unique. For in this early and crucial period our information on the Mongols' attitude to the *yāsa* comes from the account of historians, etc., whereas here we possess the contents of a document coming directly from one of the greatest Mongol Khāns. (3) Another illuminating feature of the evidence of these two sources is that in one of them Hūlākū is accused *only* of violating the *yāsa*, and in the other that accusation is mentioned *before* the assertion that Hūlākū is an infidel and an enemy of Islam (this point is discussed later in this section).

In the context of the Mongol attitude to the *yāsa* the causes

(1) I am inclined to think that Berke's letters were written in Arabic. The language in which the letters of the rulers of the Golden Horde to the Mamluk Sultans were written is discussed in Section C of this work.

(2) Tiesenhausen, I, pp. 50, l. 10-51, l. 3. Ibn 'Abd al-Ẓāhir's wording makes it clear that he does not bring the full text of Berke's letters. Additional details are mentioned in Baybars al-Manṣūrī's *Zubdat al-Fikra*, where it is also stated that the letter was very long, (he speaks of only *one* letter) and that only some of its contents had been included in his chronicle. The *yāsa* is not mentioned in al-Manṣūrī's rendering (Tiesenhausen, I, pp. 77, l. 6-78, l. 6). In al-Mufaḍḍal b. Abī al-Faḍā'il's *al-Nahj al-Sadīd* (in Patrologia Orientalis) vol. XII, pp. 452, l. 6-453, l. 3, there is a very inadequate summary of the visit of Berke's envoys in the Mamluk court.

(3) It is noteworthy that the *yāsa* is considered in Berke's letters to be the *sharī'a* of the Mongol people (Tiesenhausen, I, p. 50, ll. 1-2). It is quite common in the Muslim sources to use Muslim terminology in connection with the *yāsa*. Chingiz Khān is called by al-Umarī *manba'uhum wa-musharri'ul-yāsa lahum* (B.N. MS no. 5867 fol. 33b, l. 2). Al-Maqrīzī says: *al-yāsa allatī hiya sharī'at Jinkiz Khān* (*Khiṭaṭ*, II, pp. 40, l. 38-41, l. 1); or: *wa-ja'alahu (al-yasaq) sharī'atan li-qawmihi fa-iltazamūhu ba'dahu* (*ibid.*, II, p. 220, l. 23). The same author uses the term *shara'a* quite often in presenting what he considers to be the ordinances of the yāsa (see section A). Al-Kutubī, in speaking of the *yāsa* (the translation of his account of it is included in the full version of this study) mentions Chingiz Khān as saying to the Mongols: *al-yasaq alladhī aḍa' lakum shar'ahu* (the copyist distorted يسق to نسق (*Fawāt al-Wafayāt*, Cairo, 1951, vol. I, p. 212, ll. 4-5). Ibn Kathīr's distortion of ياسة into سنّة (see p. 171, note 3) should be considered in the context of the inclination to use Muslim terminology on referring to the *yāsa*.

and background of the conflict between Berke Khān and Hūlākū deserve special attention. In the full version of this work a series of passages from various sources dealing with that subject is reproduced and analyzed in detail. Here the contents of only three of these passages will be summarized and discussed in brief.

'Izz al-Dīn Ibn Shaddād (died 684/1285), the biographer of Sultan Baybars, states that according to the custom *('āda)* of the Mongols whatever they obtained in their conquests west of the Oxus had to be pooled and then divided into five shares, two of which would go to the Great Khān, two others to the army, and the fifth to the House *(Bayt)* of Bātū. When Bātū died, however, and his younger brother Berke succeeded him, Hūlākū stopped sending him that share. In 660/1261-62 Berke sent envoys to the Īlkhān's Court, demanding his share. Hūlākū killed the envoys. Berke reacted by waging war on him and making common cause with Sultan Baybars. (1)

Ibn Wāṣil (died 697/1298) says that Chingiz Khān ordered the Mongols *(rasama lahum)* that whoever of them conquered a country (a town? a province?) *(balad min al-bilād)* should give a third of his gain *(maksab)* to the House of Berke, another third to the House of Chingiz Khān and (leave) a third to himself and to his own army. When Chingiz Khān died none of the Mongols had deviated from his decree or from what he had enjoined *(lam yakhruj aḥad min al-Tatar 'an ḥukmihi wa-lā 'ammā rasama bihi)*. However, when Hūlākū came to power, and conquered the East and Persia and Iraq he took all the property to himself, and he did not send *(wa-lam yusayyir)* anything to the House of Berke and the House of Chingiz Khān. This was the reason Berke made common cause with Sultan Baybars against Hūlākū. (2)

According to Ibn Faḍl Allāh al-'Umarī (died 749/1349) Chingiz Khān bequeathed *(awṣā)* to his eldest son, Jūshī, the

(1) Ibn Shaddād as cited by al-Mufaḍḍal b. abī al-Faḍā'il, *al-Nahj al Sadīd* (in *Patrologia Orientalis*), XII, pp. 444, l. 5 - 446, l. 7. See also Tiesenhausen, I, pp. 177, l. 10-178, l. 2. This piece of information is included in the first volume of Ibn Shaddād's chronicle which has been lost.

(2) Tiesenhausen, I, pp. 70, l. 4-71, l. 9.

steppe of the Qipchaq and the adjoining areas *(dasht al-Qabjāq wa-mā ma'ahu)* to which he added *(aḍāfa ilayhi)* the region of Arrān, as well as Tabrīz, Marāgha, and Hamadān. After Jūshī's death all these areas were inherited by his son, Bātū. Bātū's sovereignty over the Iranian possessions was unsuccessfully challenged by Güyük. When Güyük died, the throne of the Great Khānate was offered to Bātū, but he declined, and proposed the candidacy of Möngkä in his stead. Möngkä was put on the throne owing mainly to a strong army which Bātū sent to the place of election under the command of his brother Berke. When Möngkä fitted out in his capital an army to fight the Assassins, Hūlākū, whom he appointed as the commander of that army, persuaded him to conquer the lands of the Caliph as well, and he agreed. By Berke's intervention Bātū sent a message to Hūlākū telling him not to advance any further. Hūlākū, who received the message before crossing the Oxus, complied and stayed in his place for two full years, until Bātū died and Berke succeeded him. Hūlākū then got Möngkä's permission to advance, and he conquered the country of the Assassins, as well as the lands assigned to Bātū and after him to Berke *(tilka al-bilād al-muḍāfa ilā Bātū thumma ilā Berke)*. Then he reached the steppe of the Qipchak and war broke out between him and Berke. (1)

It is not my intention here to evaluate the historicity or the veracity of each of these pieces of evidence. What is undoubtedly true in them is that a decisive factor in the struggle between the Jūshīds and the Tuluyids (as well as between other branches of the Royal family) was the division of the spoils and of the newly conquered territories. (2) A foretaste of the immense power of that factor is given in the *Secret History*. When Jūshī, Chaghatay and Ügüdey conquered Urganj, the capital of Khwārizm, they tried to divide the spoils amongst themselves and deprive their father, Chingiz Khān, of his share. (3) Now if Chingiz Khān's own sons dared

(1) Tiesenhausen, I, pp. 222, l. 11 - 224, l. 25; Lech (Arabic text), pp. 15, l. 3-18, l. 9; B.N. MS No. 5867, fols. 40a, l. 6-42a, l. 13.

(2) This was a vital aspect of the struggle for supremacy. The Islamic factor was of secondary importance. This question is examined in the full version of the present work.

(3) Haenisch, *Die Geheime Geschichte*, etc., p. 136, paragraph 160.

treat their father in this manner while he was at the peak of his power, it is only logical to expect that after his death the struggle over spoils and territories would intensify and that the behests and wills of the founder of the dynasty would not always be strictly observed, to put it mildly.

In the versions quoted above about the split between Berke and Hūlākū it is claimed, inter alia, that the Jūshīds, who were offered the post of the Great Khānate and declined the offer, were the decisive force that put Möngkä on the throne. The ungrateful Tuluyids repaid them by robbing them of vital territories which constituted part of their rightful heritage. One of the major implications of this claim is that the Tuluyids had no right even to their own capital, Tabrīz. These anti-Hūlākū versions do not blame him explicitly of the violation of the *yāsa*. Yet they accuse him of violating the decrees *(ḥukm, mā rasama bihi)* of Chingiz Khān himself, "from which none of the Tatars had deviated" (Ibn Wāṣil), as well as of violating his "bequest" or "will" *(awṣā)* ('Umarī), and of infringing the "custom" *('āda)* followed by his descendants (Ibn Shaddād). These are most severe accusations by Mongol standards. Furthermore, Berke Khān himself did not hesitate at all to accuse Hūlākū *specifically* of violating the *yāsa* (an accusation, that according to the present state of our knowledge, he made twice). (1)

Thus the accounts of the pro-Berke sources and Berke's accusation of Hūlākū are in full accord, and complement each other nicely. (2) Islam is only a secondary factor in the rift. That is why Berke, immediately after his victory over Hūlākū's

(1) When Berke saw the terrible carnage in the battlefield after his victory over Hūlakū's army he is said to have accused Hūlākū not only of violating the *yāsa*, but also of breaking Mongol unity, and thus preventing the Mongols from making further conquests. He said: "May God disgrace Hūlākū. [Because of him] the Mongols are killed by the swords of the Mongols. Had we been united we would have conquered the whole earth" (Ibn Wāṣil, in Tiesenhausen, I, p. 72, ll. 20-22).

(2) They contradict not only al-Juwaynī's evidence, but also that of Rashīd al-Dīn (and undoubtedly that of any pro-Tuluyid source). That historian states that when Möngkä ordered his brother Hūlākū to conquer the areas stretching "from the Oxus to the utmost limits of Egypt" he told him to see to it that "the customs and usages and *yāsa* of Chingiz Khān should be observed *in their entirety and in their detail*" (*Histoire des Mongols*, ed. Quatremère, pp. 140-145. See

army, condemns that Khān solely for his violation of the *yāsa*, without even hinting at any other of his sins. That crime alone was, in Berke's view, sufficient to justify an all out war against him, resulting in the slaughter of innumerable fellow-Mongols. Even in his first letters to a Muslim ruler of Baybars' stature and type, who considered himself justly as *the* defender of Islam against the Mongol infidel, and whose alliance against the selfsame enemy he was so eager to secure, Berke did not find any fault in accusing Hūlākū of violating the pagan law of the *yāsa before* blaming him of being an infidel and an enemy of Islam, against whom he (i.e., Berke) had already declared a *jihād*. (1) Berke's assertions on these two occasions also show that he did not see any contradiction between his becoming Muslim and his continued strict adherence to the *yāsa* (or at least his declaration of adherence to it and of his being its protector against a rival member of his own family). He certainly would not have *admitted* the existence of such a contradiction. None of the Īlkhāns of Persia who adopted Islam and who—unlike Berke, who was the head of an overwhelmingly nomad state—ruled over a most civilized country in which Islam had been predominant for many centuries, saw any contradiction between their faithfulness to their new religion and the observance of the *yāsa*. Not even Ghāzān, who carried out extremely harsh persecutions against the non-Muslims. (2)

also pp. 128, 129). Now neither Hūlākū, nor any of his descendants or of the pro-Ilkhānid historians would ever have admitted that Hūlākū did not carry out that order to the last dot. Quatremère's detailed notes on the *yāsa* were used extensively in the full version of this work.

(1) Although the *yāsa* is mentioned *before* Islam in Berke's first two letters to Sultan Baybars, Islam occupies a much bigger place in them, as might be expected in letters addressed to that champion of the Muhammadan religion. One can not, however, rule out the possibility that in the original letters of Berke the question of the *yāsa* was dealt with more extensively than in Ibn 'Abd al-Ẓāhir's rendering. After all, the Mamluk scribes and historians were much more interested in the Islamic aspects of that Khān's letters than in specifically Mongol subjects, and especially in a subject which revealed his adherence to a pagan law. Later Mamluk historians who copied, in all likelihood, directly or indirectly from Ibn 'Abd al-Ẓāhīr, omit Berke's remark on the *yāsa* (the only historian who did not omit it was al-Nuwayrī).

(2) See, e.g., Rashīd al-Dīn, *Geschichte Gāzān-Ḫān's* (ed. K. Jahn), London,

This is not to say that the adoption of Islam did not affect the observance of the *yāsa*, or that it had not been argued by Mongols that conversion to that religion constituted a violation or "alteration" of the *yāsa*. Such an argument, however, was voiced only by Mongol elements who were opposed to Islamization or dissillusioned with it. The opponents of Islamization used this argument in order to undermine the position of the Mongol ruler who supported it. (1)

The full version of this study includes a chapter called "The Position of the *Yāsa* in the Mongol States situated within the Orbit of Islam and its Decline," which is omitted in this summary. (2) Yet the discussion of one passage reproduced in that chapter is repeated here. It pertains to the Chaghataid Tarmashīrīn Khān. Ibn Ḥajar al-'Asqalānī has in his biographical dictionary *al-Durar al-Kāmina* a short biography of that Khān (3) (whom he calls Tarmashīn). It includes the following passage:

كان حسن الاسلام ملازما للصلوات محبا فى الخير واهله وقام فى ترك العمل بالناس اتم قيام وقال انها من ارذل السياسات وامر باظهار احكام الشريعة (4).

Before translating this passage a certain phrase, or, more exactly, a certain central word in this phrase, has to be discussed. The phrase in question is ترك العمل بالناس. This is, beyond doubt, a corrupt sentence, for, as it stands, it is completely

1940, index: ياساق ,ياساي قديم Some of the opponents of these İlkhāns might and did see such contradiction.

(1) This question is discussed in the full version of this study.

(2) The conclusions of this chapter are tentative, and a much more thorough study than I have been able to do has still to be carried out. The interesting evidence of al-'Umarī about the position of the *yāsa* in the various Mongol states is discussed there. The original and stimulating character of that evidence is unquestionable. The degree of its reliability can be decided only by corroborating data, which is still missing.

(3) According to al-'Asqalānī Tarmashīrīn died in 735/1335 at the age of about forty, after having ruled six years (*al-Durar al-Kāmina*, Hyderabad), Deccan, 1348/1929, vol. I, p. 517, ll. 5-6.

(4) *Durar* ,I, pp. 516, l. 16—517, l. 2.

senseless, and, in addition, the word انها in the feminine, has no justification. In one of the manuscripts used by the editors of *al-Durar al-Kāmina*, that of Rampur, there is بالسياسة (1) instead of بالناس and this is the reading that gives the correct meaning. The word سياسة, in its turn, stands for ياسة, a quite common phenomenon in Mamluk historical literature. (2) Furthermore, we find even ياس as one of the forms of the term ياسة. (3) Thus بالياس had been corrupted by the copyist who did not understand its meaning, into بالناس.

In the light of these corrections the passage has to be translated thus.

"He [i.e., Tarmashīrīn] was an upright Muslim. He prayed regularly and loved the good deeds and the people representing them. He discarded the implementation of the *yāsa* in the most complete way, saying that it is one of the most despicable of all the *siyāsāt*. (4) He ordered to give prominence to the ordinances of the *Sharī'a*."

This evidence of al-'Asqalānī is the only one I know where the Mongol ruler himself is said to have admitted that he had decided to abolish the *yāsa* and to have spoken pejoratively about it. (5) Here, incidentally, is an additional proof to my

(1) *Ibid.*, p. 517, note 1.

(2) This question is discussed in detail in section C of this study, which deals with the *yāsa* in the Mamluk Sultanate. Ibn Ḥajar himself uses سياسة in the sense of ياسة on yet another occasion (*Durar*, I, p. 354, l. 3).

(3) See al-'Umarī's *Masālik al-Abṣār*, B.N. MS No. 5867 fol. 38a, l. 15 and Lech (Arabic text), p. 11, l. 13. All three MSS on which Lech worked and the MS on which I work read: ومن جملة ياسهم انه اذا كان امير... And this reading appears in a text in which ياسة is repeatedly mentioned, which means that all the copyists of those four MSS *were* acquainted with the form ياسة, yet all of them wrote ياسهم instead of ياستهم.

(4) Because it is a play on words, I did not translate the word *siyāsāt* here.

(4) Bābur's decision, at a much later date, to abolish the *yāsa* because it had outlived its purpose is discussed in the full version of this study.

argument that the ruler would not use the word *khālafa* when speaking of himself (neither would a supporter of his policy do so). (1) What he (or a supporter of him) would say is that he "abolished" or "discarded" the *yāsa*. That is why al-'Asqalānī said about Tarmashīrīn that he *taraka al-'amal bil-yāsa* and not *khālafa al-yāsa*. It is unfortunate, however, that such an important piece of information would come down to us through a source so remote from the Chaghatay Khānate, which, in addition, does not tell us from whom it was copied.

Conclusion

As has been repeatedly demonstrated in this study, the accusation of the violation of the *yāsa* was frequently used against the rival party, irrespective of whether or not that party deserved it. This does not mean, however, that the *yāsa* was *not* contradicted. For one thing, such accusations could not be repeated so frequently and so persistently without ever having any solid foundation. For another, the *yāsa* must have been constantly exposed to violations or circumventions by the steadily growing number of the members of the Royal family, when one or the other of its ordinances clashed with some or any of their vital interests. What these ordinances were we, unfortunately, do not know for sure. But in all probability a major one must have been to keep the unity of the Royal family and of the Empire under the sway of a single ruler. Such an ordinance it was impossible to keep. It is no mere accident that most of the specific cases where the violation of the *yāsa* is mentioned revolve around the struggles for the throne or around wars over territories between members of the Royal family. By the very participation in such struggles and wars, one or both of the rival factions must have violated the *yāsa*.

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(To be continued by Part C)

(1) The opponents of Tarmashīrīn accused him, as might be expected, that he *khālafa* and *ghayyara* the *yāsa* (Ibn Baṭṭūṭa, III, pp. 39, l. 7-41, l. 9).

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